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THE HISTORY

OF THE

RIGHTS AND PRIVILEGES

OF THE

IRISH PEOPLE,

AND ALL THE LAWS RELATIVE TO THEIR

ELECTIVE FRANCHISE,

UNDER THE REFORM ACT:

WITH AN APPENDIX,

CONTAINING ALL THE ACTS IN FORCE AND UNREPEALED RELATIVE TO HOUSEHOLD AND LANDED INTEREST OF LANDLORD AND TENANT IN IRELAND.

BY W. E. HUDSON, ESQ.
BARRISTER AT LAW.

DUBLIN:

MILIKEN; SMITH, CORK; WILSON, LIMERICK;
AND ALL BOOKSELLERS.

1847.

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INTRODUCTION.

CHAP. I.

OF THE PARLIAMENT, AND HOW CONSTITUTED.

THE supreme legislative power is vested, by the common law, in the PARLIAMENT, consisting of three distinct constituent parts; 1. The Sovereign; 2. The Lords of Parliament; 3. The Commons.

The lords of parliament are divided into the lords spiritual, and the lords temporal; and these, and the commons have usually been denominated the Three Estates of the Realm. (*a*)

It seems to have been universal among the northern nations, particularly the *Germans*, to settle all matters of importance in GREAT COUNCILS of the State; and the practice may be traced in the several realms of the *Saxon* Heptarchy. And, after their union, king *Alfred*, for the estate of the realm, caused the *Earls* to meet, and ordained for a perpetual usage, that they should assemble together at *London* twice in the year, or oftener, if need be.(*b*) The phrases,"*wittena-gemote*," or meeting of wise men,—"*Edgarus rex consilio sapientum suorum*,"—"*sapientes consilio regis Ethelstani*,"—"*Rex Edmundus et episcopi sui cum sapientibus suis*,"—used in the codes of the *Saxon* and *Danish* monarchs,(*c*) give but slender information how these assemblies were composed, or constituted. But it may be doubted whether any but the peers attended. "*Tempore Inæ et aliorum Regum Saxo-*

(*a*) 1 *Bla. Comm. Book I. c.* 2; *Co. Litt.* 109; *Com Dig. Parliament. D.*
(*b*) *Mirror, c.* 1. *s.* 3.
(*c*) 1 *Bla. Comm. B. I. c.* 2.

num fuerat conventus sapientum, SPIRITUALIUM ET TEMPORLIUM."(*a*)

Sir *Edward Coke* (*b*) mentions an "ancient record intituled, *de modo tenendi* PARLIAMENTUM *tempore regis Edw. filii Etheldredi: debent auxilia peti in pleno parliamento.* The name "*parliament,*" however, derived from the *French,* would seem rather to have been given to the great councils held under the princes of the *Norman* line, and to have been imported with them. In the *Year Book, M.* 21 *Edw. III.* 60, *case* 7, *The King* v. *The Bishop of Norwich,* an act of parliament, which was judicially allowed by the court, was pleaded in this manner—"In the time of *W. Conqueror* at his parliament, held on such a day, it was ordained by the king, and by the archbishop of *Canterbury* and by all the other bishops of the land, earls and barons, &c., that," &c.

There are three points especially, in the history of our parliaments, much disputed by learned antiquaries, and still involved in obscurity, viz.

1st, At what time the *Commons* were first summoned to these great councils:

2nd, Whether the commons summoned were at all times an *elected* body, and, if not, when the practice of electing commenced.

3rd, At what period they began to form a distinct assembly.

The evidence on these questions, from records relative to the parliament of *Ireland,* will now be found not less important, than that arising from the early records of the parliament of *England.*

Sir *Edward Coke* says (*c*),—"The king of *England* is armed with divers councils, one whereof is called *commune concilium,* and that is the court of parliament, and so it is legally called in writs and judicial proceedings *commune concilium regni Angliæ.* And another is called *magnum concilium:* this is sometime applied to the

(*a*) 9 *Co. Præf.*—*Com. Dig. Parliament (B).* (*b*) 2 *Inst.* 533. (*c*) *Co. Littl.* 110.

upper house of parliament, and sometime, out of parliament time, to the peers of the realm, lords of parliament, who are called *magnum concilium regis.*"

In the charter, 1 *Hen. I.* A. D. 1101,(*a*) *Henry* declares himself to have been crowned king "*communi consilio*" of the barons of the whole realm of *England:* and he confirms the laws of king *Edward* (the confessor) with those emendations which his father (*Will. I.*) made, "*consilio baronum suorum.*"

In one of the copies of this charter, he concludes, "*testibus archiepiscopis, episcopis, baronibus, comitibus, vicecomitibus et* OPTIMATIBUS *tocius regni Angliæ quando coronatus fui.*" The other copies merely name a few bishops and nobles.

Stephen, in his charter 1 *Stephen* A. D. 1136, (*a*) declares himself "*assensu cleri et populi in regem Anglorum elect.*" The Charter is witnessed by archbishops, bishops, earls, and other nobles.

By his second charter (*b*) he states his confirmation thus—"*omnibus* BARONIBUS ET HOMINIBUS *meis de Anglia,*"—confirming to them all the liberties and good laws which King *Henry* gave, and all the good laws and good customs which they had in the time of King *Edward.*

Henry II. by his charter, (*c*) "confirms to God and holy church" and all his earls and barons, "*et omnibus hominibus meis*" all the gifts, liberties and free customs which his grandfather *Henry* gave them; and in like manner abolishes all bad customs which he abolished.

The first of the surviving charters of *John,* 16 *John,* A. D. 1214,(*d*) granting to the church freedom of election of all prelates, states that it was made on petition of the prelates, "*de communi consensu* BARONUM *nostrorum.*"

By the *Articuli Magne Carte Libertatum,* 17 *John* A. D. 1215, (*e*) in the 32d. of those "*capitula que barones petunt et dominus rex concedit,*" it is stipulated that scutage or aid shall not be imposed "*nisi per* COMMUNE CONSILIUM

(*a*) 1 *Stat. of the Realm. Charters of Liberties, p.* 1.
(*b*) *Ibid,* 3.
(*c*) *Ibid.* 4.
(*d*) *Ibid.*
(*e*) *Ibid.* 7.

REGNI" unless to ransom the King's body, make his eldest son a knight, or for marrying his eldest daughter, and then only a reasonable aid; also that so it shall be of the tallages and aids of the city of *London* and other cities having liberties, and that the city shall have its ancient liberties and free customs.

Magna Carta (*a*) made the 25th *June*, in the same year, is stated to be made "*per consilium*" of the archbishop of *Canterbury*, the archbishop of *Dublin*, the bishop of *London*, and other bishops, "*et nobilium virorum*," who are named, "ET ALIORUM FIDELIUM NOSTRORUM." In this charter, which the King is stated to have made "*comitibus baronibus et liberis hominibus suis Anglie*, after the clause against imposing aids *nisi per commune consilium regni nostri*, and the confirmation of the liberties and free customsof *London*, the charter grants that all other cities, boroughs, towns and ports shall have all their liberties and free customs; and then proceeds as follows:

The Great Charter provides for the summoning of the Commons to Parliament.

"*Et ad habendum* COMMUNE CONSILIUM REGNI *de auxilio assidendo aliter quam in tribus casibus predictis vel de scutagio assidendo, summoneri faciemus Archiepiscopos, Episcopos, Abbates, Comites, et Majores Barones, sigillatim, per litteras nostras;* ET PRETEREA FACIEMUS SUMMONERI *in generali per vicecomites et ballivos nostros* OMNES ILLOS QUI DE NOBIS TENENT IN CAPITE *ad certum diem,* scilicet AD TERMINUM QUADRAGINTA DIERUM *ad minimum, et ad certum locum; et in omnibus litteris illis summonitionis causam summonitionis exprimemus, et sic facta summonitione, negotium ad diem assignatum procedat, secundum consilium illorum qui presentes fuerint, quamvis non omnes summoniti venerint.*"

Thus the great charter (and it is perhaps the earliest authentic record of the fact,) evidences the title of the commons to be summoned to parliament; and it is remarkable that the privilege appears to be, not one of those stipulated for by the barons of *Runnymede*, but one of

(*a*) 1 *Stat. of the Realm, Charters of Liberties, p.* 9.

those which, in the subsequent assembly, were added to the articles.

Another fact here apparent is, that those of the commons who were to be summoned were *not* persons to be *elected*, but merely the king's tenants *in capite* who were *in homage and fealty* to him—who were, in the technical sense, his "*homines*."

The first charter of the following reign, 1 *Hen. III.* A. D. 1216, (*a*) is stated to have been made by counsel of bishops, nobles, "*et aliorum fidelium nostrorum*" in the same manner as that of *John*. It confirms the liberties and free customs of *London*, and of all other cities, boroughs, towns, and ports (including by name the *Cinque Ports*,) but it omits altogether the remarkable provisions of the great charter against taxation without the assent of the council of the realm, and respecting the mode of its being summoned.

The charter of the following year A. D. 1217 (*b*) differs little from the last. It is stated to have been made "*de consilio episcoporum et W. Mariscall. Com. Pembr. rectoris nostri et regni nostri et aliorum fidelium* COMITUM *et* BARONUM *nostrorum Anglie*," and at the conclusion, this phrase is used—*Statuimus etiam* DE COMMUNI CONSILIO TOCIUS REGNI *quod &c.*

The Carta de Foresta (*c*), of the same year, commences in the same form.

The *Magna Carta* 9 *Hen. III* A. D. 1224-5 (*d*), the king states, is granted "*spontanea et bona voluntate nostra*"—At the conclusion, however, it appears, that, for the concession and gift of these liberties and those contained in the charter of the forest, the "*archiepiscopi, episcopi, abbates, priores, comites, barones,* MILITES, LIBERE TENENTES *et* OMNES, *dereg no nostro*," gave him a fifteenth part of all their moveables. The Commons grant an aid.

Here then, we see, more extensive classes of the king's tenants were admitted; but it does not appear by election.

The subsequent charters of confirmation, made by *Hen.*

(*a*) 1 *State of the Realm, Charters of Liberties. p.* 14.
(*b*) *Ibid.* 17.
(*c*) *Ibid.* 20.
(*d*) *Ibid.* 22.

III. after he had come of age, 21 *Hen.* III., 36 *Hen.* III., 49 *Hen.* III. (*a*), refer to the former—and in the last-mentioned there is this remarkable expression, "*Ad hec de unanimi assensu et voluntate nostra, Edwardi filii nostri, prelatorum, comitum, baronum et* COMMUNITATIS REGNI NOSTRI *concorditer provisum est quod, &c.*"

Citizens and burgesses summoned to parliament.

Now, of this same year, 49 *Hen.* III., A.D. 1264, *Blackstone* states, that there are, still extant, writs to summon knights, CITIZENS, and BURGESSES to parliament (*b*); and it seems difficult to assign, with certainty, an earlier date to the holding of representative assemblies in *England.*

The statute of *Marlbridge*, 52 *Hen.* III., A.D. 1267, is stated to be made, "*convocatis discrecioribus ejusdem regni, tam ex majoribus* QUAM MINORIBUS."

In the 22 *Edw.* I., the "*comites, barones, et omnes alii de regno*" gave a tenth for carrying on the war in which the king was then engaged. But the "*omnes alii*" could not include the citizens and burgesses who were tallaged at a sixth; and for levying this subsidy the king issued his writs to commissioners for each city and borough *of his demesne.* In the commission to the city of *London,* the subsidy is recited as granted by the citizens. (*c*)

Early representation of *England.*

There was a parliament in the 23 *Edw.* I. for which writs of summons were issued, but we are told *the king's* cities and boroughs, alone, were summoned. (*d*) From the bundles of writs remaining in the exchequer, it appears that 145 places sent members to this parliament; and that 24 *other* places sent members in the 25 and 26 *Edw.* I., including the city of *London* and the counties of *Norfolk* and *Suffolk* which are not mentioned in the former writs. These made in all 169 places; of which 37 were shires returning 2 members each; 22 were boroughs which have long discontinued to return members; and 110 were cities and boroughs, which either continued to return, or, if omitted for a time, were restored.

(*a*) 1 *Stat of the Realm, Charters of Liberties*, 28, 31.
(*b*) 1 *Bla. Comm.* 149.
(*c*) *Heyw. Eor. Elect.* 30.
(*d*) *Ibid.* 36.

In the *confirmatio cartarum*, 25 *Edw.* I., *cc.* 5, 6, the king grants, as well to the archbishops, bishops, abbots, priors, and other folk of holy church, as also to the earls, barons, and *all the commonalty* of the land not to take *aids*, tasks, or prises, but by the common assent of all the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed; and by the *statutum de tallagio*, in the same year, no *tallage* or aid shall be imposed or levied without the will and assent of the whole,—archbishops, bishops, earls, barons, *knights*, *burgesses*, and *other free commons* of our realm." (*a*)

Counties palatine, &c. not summoned.

To the above parliaments the counties palatine of *Chester* and *Durham* were not summoned. The reason of this may be traced in feudal principles. "County" is derived from *comes* or countee (earl), the companion of the prince, who, originally, had a territory assigned to him, which was called *comitatus*. (*b*) *Charlemaine*, in the decline of the *Roman* empire, instituted several countees in *Germany*, *France*, and *Italy*, and gave them not only an absolute command in martial affairs within their several territories, but also ordinary jurisdiction in civil and criminal causes. They were of two degrees, the *comites simplices*, and the *comites palatini*, who were of higher rank *(comites palatii)*, and possessed divers *royal* franchises and privileges not granted to the others. The name and office of countee was introduced into *England* from *Germany* by the *Saxons*, long before the *Norman* conquest; but the first county palatine, *Chester*, was erected in the time of *William* the Conqueror. There were but 2 others: *Durham* created in the time of *Ric.* I., and *Lancaster* not until *Edw.* III., for *Ely*, though a liberty having conusance of causes secular granted by king *Edgar*, was not ever a county palatine. The lords marchers, upon the marches of *Wales*, too, had royal seigniories in their several territories, but had not all the privileges of the county palatine. The royal *jurisdiction*

(*a*) 1 *Stat. of the Realm*, 123, 125. (*b*) *Dav.* 59, *Le case del Countie Palatine de Wexford.*

appeared in the lords having their own courts of chancery, issuing their own original writs, &c. The royal *seigniory* in having tenants *in capite* of themselves, with all the prerogatives of the tenure attached, and even barons holding their baronies of them.

In the 35 *Edw.* I., A.D. 1306-7, we find the statute of *Carlisle* made "*de consilio comitum, baronum, magnatum, procerum et aliorum nobilium,* ET REGNI SUI COMMUNITATUM *in parliamento, &c.*" The writs of summons of the 34 and 35 *Edw.* I., also, are extant.(*a*) These writs required the sheriffs of the counties to return two knights for every shire, and for each city two citizens, and for each borough two burgesses, or one, according as the borough was greater or less. The knights were summoned for themselves and the commonalty of their counties, and the citizens and burgesses for themselves and the commonalty of the cities and boroughs *divisim ab ipsis.* Thus, it appears, here they acted as a separate body from the knights.

The numbers summoned for each place.

Separation of the citizens and burgesses.

In the 34 *Edw.* III., the archbishops, bishops, abbots, priors, earls, barons, knights, and freemen and commonalities of the counties, granted a thirtieth, and the citizens and burgesses, and commonalities of the cities and boroughs, and also the tenants of the king's demesnes (who were summoned though not named in the writs) granted a twentieth.

So in the 35 *Edw.* III., the earls, barons, knights and others granted an eleventh; the citizens, burgesses, and other honest men, of the demesnes, cities, and boroughs, granted a seventh.

Thus we find the parliament composed of three classes, viz.: 1. the nobles; 2. the king's tenants; and 3. the elected knights, citizens, and burgesses. But the nobles, the knights, and the superior tenants (IN CAPITE) formed one house; whilst the citizens, burgesses, and the tenants in ancient demesne formed another.

The constitution of the first parliament of the next

(*a*) *Heyw. Bor. Elect.* 33, &c.

reign, 1 *Edw.* II., was similar. (*a*) But subsequently, many laws were made "at the grievous complaint of the commons," indicating their sitting in a separate house; and in the 3 *Edw.* II., A. D., 1309, the commons delivered articles of grievances, (the earliest instance,) which began thus,—"*Que les* CHIVALERS, *gentz de citez, e de burghs, e des autre villes, qui sont venux a son parlement person commandement pur eux et pur le peuple, &c.*" (*b*)

Complete separation of the House of Commons from the Lords.

Here, then, we may date, with certainty, the complete separation of lords and commons, according to our present notions, and the accomplishment of that great constitutional reform which gave, to the commons *alone*, the control of the national taxation. Some time after, the tenants in ancient demesne are left out of the preambles to the commissions for levying the taxes, and they are not mentioned after the 8 *Edw. III.* (*c*)

The earliest writs to the sheriffs required them, in general terms only, to cause to be elected, *of every city* within their respective counties 2 citizens, and *of every borough* 2 burgesses. Serjeant *Heywood* makes it a question (*d*), whether any but *the king's* cities and boroughs ever were represented, and in the 23 *Edw.* I., he says, the writs were so confined. But there was no uniform rule to go by; the returns varied; much was left to the discretion of the sheriffs and returning officers; and the places sending, representatives, being burdened with the payment of their wages, sometimes claimed exemptions,—excused themselves on the ground of poverty,—or failed to elect altogether. The sheriffs sometimes returned the excuses and omissions, and sometimes summoned others in the room of those who could not attend.

Ancient number of representatives.

The number of representatives in the 23–26 *Edw.* III. could not have exceeded 340, and Sir *John Fortescue*, Chancellor to *Hen.* VI. says (*e*), that in that reign, the House of Commons consisted of "more than 300 chosen

(*a*) *Heyw. Bor. Elect.* 35.
(*b*) *Ibid.* 36.
(*c*) *Heyw. Bor. Elect.* 36.
(*d*) *Ibid.*
(*e*) *Selden's Fortescue, c.* 18, *p.* 40.

men." *Willis* says (*a*), that from the reign of *Edw.* I, to *Edw.* VI., not 30 new boroughs were created. However, up to this period, we must in addition to the 110 ancient cities and boroughs, above referred to, allow for 37 others (including the *Cinque Ports*) which were either accidentally omitted from the early enumerations,—or replaced the boroughs omitted,—or were created altogether anew,—or else succeeded, subsequently, on some other ground, in establishing a claim to be considered and restored as ancient boroughs. Of these, making 147 in all, the city of *London* was distinguished by sending 4; each of the 146 have constantly sent 2 members each.

Counties of cities and towns.

The larger cities and boroughs were, in a great measure, barriers for the crown against the power of the barons, and many concessions were made to conciliate them; for this purpose the right to tallage them at pleasure was given up, and in some instances they were wholly exempted from the ordinary jurisdiction of counties, and made separate counties in themselves. Of this description were the cities of *Bristol*, *Canterbury*, *Coventry*, *Lincoln*, *London*, *Norwich*, and *York*, and the towns of *Kingston-upon-Hull*, *Newcastle-upon-Tyne*, *Nottingham*, and *Southampton*, prior to the 39 *Hen.* VI.; and since then, the cities of *Exeter*, *Gloucester*, *Litchfield* and *Worcester*, and the town of *Poole*. (*b*.)

Wales.

Wales though conquered, (or, as assumed by *Edw.* I., feudatory and forfeited by rebellion,) and annexed to the crown of *England*, by the *Statuta Wallie*, 12 *Edw.* I., A. D. 1284, did not at once enjoy the privilege of representation. In the 15 *Edw.* II., A. D. 1322, the king issued his writ to the justiciary of *Wales*, commanding him to cause 48 members to be elected in *North* and *South Wales*, and to be returned to act, treat, and consult with the other members in his parliament in *England*. (*c*) We do not find how this was acted upon, until by

(*a*) *Not. Parl. Vol.* 1, *Pref.*, *p.* 9.
(*b*) *Heyw. Bor. Elect.* 19.
(*c*) *Lynch on Elect.* 7.

the 27 *Henry* VIII. *c.* 26, *s.* 29. A. D. 1535, the 12 counties, and 11 towns in *Wales*, were enabled to send 1 member each; and by *s.* 28, of the same act, the county of *Monmouth* was enabled to send 2 members, and the city of *Monmouth* 1 member. These shires were composed not only of the ancient "dominion of *Wales*," but also of the "Lordships Marchers," which lay between the shires of *England*, and those of *Wales*.

Of the counties palatine of *Chester* and *Durham*, the former obtained 2 members for the shire and 2 for the city, by the 34, 35 *Hen.* VIII. *c.* 13, and the latter a similar representatiion by the 25 *Car.* II. *c.* 9. The city of *Chester* also, is, from of old, a county in itself.

The town of *Haverford-west*, which was made a county in itself by the 34, 35 *Hen.* VIII. *c.* 26, *s.* 124, obtained 1 member by *s.* 111 of the same act. The town of *Caermarthen* also, it appears, is a county in itself. (*a*)

The town of *Berwick-upon-Tweed* was originally part of *Scotland*. *Edw.* I. claimed *Scotland*, as well as *Wales*, as "holden of the crown of *England*;" and in the 24th year of his reign, he treated the king as a rebellious vassal, and took *Berwick*. It afterwards changed masters frequently, by war and cession, and was finally recovered by *Edw.* IV., and recognised as annexed to the crown of *England*, by the 22 *Edw.* IV. *Eng. c.* 8. Between that time and the 33 *Hen.* VIII., *Berwick* was summoned, as a borough of *England*, to send members to parliament. (*b*) It was also constituted a county in itself. (*c*)

In the subsequent reigns, not only were many of the ancient boroughs restored, but the crown exercised a prerogative of creating new boroughs. (*d*) The last instance was that of *Newark-upon-Trent*, 29 *Car.* II., which occasioned much dispute in the House of Commons, as to its legality. From all these causes combined, the representation of *England* and *Wales* came to be made up as follows:—

(*a*) 2, 3 *Will.* IV. *c.* 45, *Sched. G.*
(*b*) See the great case of *Rex* v. *Cowle*, 2 *Burr.* 834-864.
(*c*) *Heyw. Bor. Elect.* 19.
(*d*) *Heyw. Bor. Elect.* 39, *&c*,

Ultimate state of the representation of England.

BY ANCIENT RIGHT.

		MEMBERS.	
37	Ancient shires, returning	74	
	City of *London*, ...	4	
146	Other ancient cities and towns, ...	292	
			——370

BY PREROGATIVE.

	Berwick-upon-Tweed, by *Henry* VIII.	2	
14	Cities and boroughs, by *Edward* VI. (including *Westminster*)	28	
10	Cities and boroughs, by *Mary*, ...	17	
24	Ditto ditto, *Eliz.*	48	
6	Ditto ditto, *Jac.* I., (including *Cambridge* and *Oxford* Universities) ...	11	
1	Borough, *Car.* II.	2	
			——108

BY ACTS OF PARLIAMENT.

15	Shires, as above, ...	18	
15	Cities and towns, ...	17	
			—— 35
	Total, ...		513 (*a*)

Thus stood the House of Commons at the revolution, from which time to the union with *Scotland*, no boroughs were either created or restored; and the articles of that union having settled the proportion of the members to be sent by each kingdom, the prerogative of the crown to create, and the privilege of the commons to restore, were taken away.

Scottish Parliament.

The parliament of *Scotland* anciently consisted of three estates: 1. the bishops, abbots and other prelates; 2. the barons and the commissioners of shires, who were the representatives of the smaller barons, or the free tenants of the king; 3. the burgesses or the representatives of the royal burghs. These three estates assembled

(*a*) With respect to the peerage, it is only necessary to advert to the statutes passed at the time of the Reformation, 27 *Hen.* VIII. *c.* 28, 31 *Hen.* VIII. *c.* 13, &c., by which the mitred abbots and priors, who, till then, like the archbishops and bishops, were lords of parliament in right of their seignories, were devested of any future share in the legislature.

always in one house, had one common president, and deliberated jointly upon all matters that came before them, whether of a judicial or legislative nature. At the reformation the ecclesiastical lords were deposed, and at the time of the union the *Scotch* parliament consisted of two estates only. By the treaty of union, ratified by the respective parliaments in each kingdom, and by acts passed in the years 1706, 1707, (see the *Scotch* acts, and the 5 *Ann. Eng. c.* 8., which incorporates the act of the parliament of *Scotland* of the 5th *Feb.* 1707, 6 *Ann. G. B.*, *c.* 6., and *c.* 23., &c.), it was provided that 16 of the peers of *Scotland*, to be elected by the peers of *Scotland*, should be the number to sit and vote in the House of Lords, and that 45 should be the number of the representatives of *Scotland* in the House of Commons of the parliament of *Great Britain*.

Union of England and Scotland.

Scotch, &c.

We shall now briefly advert to the introduction of legislative institutions into *Ireland*, distinguishing the evidence under the different reigns.

Introduction of legislative institutions into Ireland.

HENRY THE SECOND.

In the 17 *Hen.* II., A.D. 1171 (*a*), that king proclaimed his voyage royal into *Ireland*, and, having proceeded thither with his army, for some time commanded in person. On the principal knights who accompanied him he conferred estates and dignities, to them and their heirs, in consideration of feudal services; and even the earl of *Pembroke*, his precursor in *Ireland*, who by marriage with *Eva*, daughter of a native prince, had acquired the principality of *Leinster*, was obliged to resign possession of that estate, and accept a royal grant thereof, subject to expressed conditions of homage and military service. In retaking, after he had surrendered, an exception was made of the city of *Dublin, cum cantredis adjacentibus, ac villis maritimis et castris.* (*b*). Thus a general accep-

(*a*) *Lynch Feud. Bar.* 2. (*b*) *Dav.* 63.

tance of the feudal system as it then prevailed in *England*, and of the duties, services, and conditions which it enforced, was the consideration given to *Henry* for those estates by his subjects settling in *Ireland*. These charters of the *Anglo-Norman* king went farther: in most of them are found grants of *soc* [a jurisdiction with liberty of holding a court to which the *socmen*, or tenants in *socage*, shall render suit], *sac* [a privilege of plea and correction of trespasses of men within a manor], *tol* [a liberty for the lord and his men to be custom-free], *them* [a royalty for restraining and judging bondmen, neifs and villeins with their children, goods and chattels, in his court], *infangthef*, *utfangthef*, [the privileges of *taking* and judging *thieves*, for crimes committed *within* and *without* the manor], *duellum* [the power of holding trial by battle], &c. The court, which the lord thus obtained the right to hold, was the "court baron," in which only he could obtain the ordinary feudal aids himself; and, when summoned to the *commune concilium* of the realm, he could not vote his sovereign an extraordinary, or extra-feudal aid, without first obtaining the sanction of his tenants assembled in the court baron, over which the baron or his seneschal presided. By the establishment of these tribunals the whole machinery of the common law of *England* was at once put in motion by the subjects of *Henry* in *Ireland*. Thus *Hugh de Lacy* held the *Meath* territory, and *John de Courcy* enjoyed courts and jurisdictions in *Ulster*. The king made grants also to the clergy with power of holding courts, and thus by a grant of the lands of *Coillach* to the archbishop of *Dublin* in barony tenure, that prelate and his successors became lords of parliament. To the inhabitants of *Dublin*, (whom he calls his *burgesses*), he granted by his charters, *the laws of Bristol*, with free trade throughout his kingdoms of *England*, *Normandy*, *Ireland* and *Wales*. Prince *John* was invested with the lordship of *Ireland*, and granted charters of privileges to the inhabitants of cities and other fortified places. His charter to the citizens of *Dublin* was dated within three

years from the death of his father; and bestows many exemptions upon them.

In the 9 *John*, an ordinance was made fixing the limitation in writs of right, &c., *from the return of his father*, *Hen.* II., *out of Ireland*, an event which occurred in 1172.

Three palatinates were created in *Ireland* by this king (*a*); 1. *Leinster*, granted to earl *Strongbow*; 2. *Meath*, granted to sir *Hugh de Lacy*, the elder; 3. *Ulster*, granted to sir *Hugh de Lacy*, the younger. Afterwards, *William le Marshal*, having married the daughter and heir of *Strongbow*, had issue five sons and five daughters: and, the five sons having died without issue, the seigniory of *Leinster* descended to the five daughters; and, upon partition amongst them, each had an entire county allotted to her; viz. the eldest, *Carlow*; the 2d, *Wexford*; the 3d, *Kilkenny*; the 4th, *Kildare*; and the 5th, the territory of *Leix*; whereupon each had a several county palatine, and all the *jura regalia*. Counties palatine.

The charter of *Callan*, in the county of *Kilkenny*, (20 *March*, 20 *Edw.* III.), by *Lionel*, duke of *Clarence*, *R.* Earl of *Stafford*, and *Anna la Despencer*, lords of the liberty of *Kilkenny*, contained an *inspeximus* of a charter of *William le Marshal*, earl of *Pembroke*, lord of *Leinster*, granting liberties to the burgesses of *Callan*, and noticing tenements held of him *in capite*.

So the charter of *New Rosse*, otherwise *Rosse pontis*, in the county of *Wexford*, granted by *Roger le Bigot*, earl of *Norfolk*, who married the eldest daughter of *William le Marshal*.

An *inspeximus* (1 *Hen.* VI.) of a charter of the town of *Kilkenny* granted by *W. le Marshal*, recites it to have been, under the great seal which the lords of the royal liberty of *Kilkenny* of old used there in their chancery.

By the concurring testimony of many public statutes it appears that *parliaments* have been held in *Ireland* during the reign of *Hen.* II., or, as some of those statutes ex-

(*a*) *Dav.* 61, *Le Case del Countie Palatine de Wexford.*

press it, *from time immemorial,* and from the first *acquirement of that country.* One enactment of this reign, called "The statute of *Henry Fitz-Empress*," (as *Hen.* II. was called,) made for the election of a chief governor, when that officer should vacate his office, has survived, and it was thereby provided that the chancellor and other officers whose names are specified should, with the assent of the nobles of the land, have power to elect a governor on such an occasion. Elections were afterwards made under this statute, and it was recited, confirmed and re-enacted in a parliament of 2 *Ric.* III. (*a*)

JOHN.

Being engaged in the *Norman* war, this monarch wrote to *Ireland* for an extraordinary *aid,* by two writs, dated 5 *John,* the one addressed "*archiepiscopis, episcopis, abbatibus, prioribus, archid. et universo clero per Hib. constitutis:*" the other "*comitibus, baronibus, justiciariis,* MILITIBUS, CIVIBUS, MERCATORIBUS, BURGENSIBUS, *et* LIBERE TENENTIBUS *et omnibus aliis fidelibus suis per Hib. constitutis,*" (*b*) This parliament was held, for there are three patents of the next year, one directed to the *barons, &c.;* another "*omnibus fidelibus Hib.*" and the third "*civibus Dubl.*" in which the king thanks them for the *aid* they had given him. To obtain an extraordinary aid, like the above, was, indeed, the principal cause at that period of convoking full parliaments; for in the "*commune concilium,*" only, could such supplies be granted, as appears by the declaration in *Magna Carta.* (*c*).

In 1210 (11 *John*) the king visited *Ireland* and held a parliament there, at which it was ordained by the *common consent of all* that the *English* laws and customs should be observed in that country. On the same occasion the tenants *in capite* enquired the time and manner of rendering the military services due to the crown out of their estates: and the king ordered that they should be

(*a*) *Lynch Feud. Bar.* 36, 37.
(*b*) *Ibid.* 289, 290.
(*c*) *Ibid.* 38.

done when escuage or royal service was proclaimed; viz. when the king by *common council of his tenants* should fix a day and place, on warning of *forty days* at least. (*a*)

In the 14 *John*, he sent over a transcript of certain letters patent which the *magnates* of *England* had made to him, and he requests the barons of *Ireland* to affix their seals to similar letters: but, with respect to their advice to him to make peace with the church, he commands that it be provided, "PER COMMUNE CONCILIUM *fidelium nostrorum de partibus illis*," under what form (his royal right and liberty untouched) that peace might be accomplished, and that the form, emanating from their council, should be made known to him. (*b*)

Sir *John Davis* (*c*) says, "king *John* made but 12 counties in *Leinster* and *Munster*, viz. *Dublin*, *Meath*, *Uriel*," (*Louth*) "*Kildare*, *Carlow*, *Kilkenny*, *Wexford*, *Waterford*, *Cork*, *Kerry*, *Limerick*, *Tipperary*. But the other provinces and territories of this realm which are now divided into 21 counties at large, being then inhabited for the most part by the *mere Irish*, were out of the limits of shire ground, for the space of 300 years after the making of the first 12 counties."

Looking back at the above, we find even earlier evidence in *Ireland* of the holding of parliaments to which the Commons were admitted, than appeared on the *English* records; but, so far, it does not appear, expressly, that they were elected, although some of the phrases may furnish grounds for a conjecture that they were.

HENRY THE THIRD.

In the 1 *Hen.* III. a charter is sent by the king, to the archbishops, bishops, abbots, earls, barons, knights and freeholders, and all his faithful of *Ireland*, in which, after commending their fidelity, he grants that they shall en-

(*a*) *Lynch's Feud. Bar.* 39.
(*b*) *Ibid.* 40, 294.
(*c*) *Dav.* 37. *b. Le Case de Tanistry.*

joy to them and their heirs for ever the liberties by him and his father granted to the kingdom of *England*, which, distinctly reduced into writing, he, "*de communi consilio*" of all his faithful, sends to them. (*a*)

In the 2 *Hen.* III. the king commands a tallage and aid to be imposed on all the *cities*, *boroughs*, and *demesnes*, and that the kings of *Connaught* and *Todmund*, and the other kings, and the *Irish*, and the barons and knights who hold of the king *in capite* should impose a like aid. (*b*)

In the 12 *Hen.* III. he commands his justiciary to assemble the archbishops, bishops, abbots, priors, earls, and barons, knights, freeholders, and sheriffs of all the counties, and publicly read to them the charter which king *John* made, and sworn to by the *magnates Hibernie*, to observe the laws and customs of *England* in *Ireland*. And he orders that the laws and customs therein contained be proclaimed and observed in every county in *Ireland*. (*c*)

In the 28 *Hen.* III. the king addressed himself "*comitibus, baronibus, et aliis probis hominibus*, ET COMMUNITATI TOCIUS HIB." conceding that if the service they granted for his expedition to *Scotland*, should be executed out of *Ireland*, it should not thereafter be turned to prejudice their former liberty (*d*); he also ordered his justiciary to cause equal weights and measures to be used throughout *Ireland*, "first, however, *convoking a council of all the discreet burgesses of that land.*"(*e*)

In the 37, 38 *Hen.* III. there are writs claiming the ordinary feudal aids, to make his eldest son a knight, and towards marrying his eldest daughter; these he addresses, "*archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, militibus, et omnibus liberis hominibus suis de terra Hibern.*"

In the 38 *Hen.* III. he sends two writs; by one, similarly addressed, he calls for an extraordinary aid in de-

(*a*) *Lynch's Feud. Bar.* 295.
(*b*) *Ibid.*
(*c*) *Ibid.* 297.
(*d*) *Ibid.* 298.
(*e*) *Ibid.* 41.

fence of *Gascony* against the invasion of the king of *Castile;* the other is addressed to the *citizens* and *burgesses* also, and he implores them by the phrase, "UNIVERSITATEM VESTRAM," to assist him with men and money.

The king had conferred on prince *Edward* the dominion of *Ireland,* and one of the statutes of a parliament held before him at *Castledermot,* 48 *Hen.* III. is still preserved by recital in these words, "*it was provided by the council of lord Edward and the community of the whole land, that,*" &c. (*a*)

A statute of the 53 *Hen.* III., ordaining a similarity of weights and measures throughout the kingdom, is preserved. The language is, "*Provisum et statutum est de consilio domini R. de Ufford capitalis justiciarii Hiberniæ, at aliorum fidelium domini Edwardi, qui sunt periti de ejus consilio, et* DE CONSENSU OMNIUM MAGNATUM ET TOCIUS COMMUNITATIS HIBERNIÆ."

EDWARD THE FIRST.

The parliamentary records of this reign are numerous, and we pass at once to those of the 23 *Edw.* I. in which the persons summoned are disclosed. (*b*) It is recited that the justiciary, &c. had ordained that a "general parliament" should be held, and therefore, the archbishops, bishops, abbots and priors, whose presence seemed necessary, and also the earls, barons, and other *optimates* of the land were commanded to appear. Also,

The sheriffs of Dublin,
Louth,
Kildare,
Waterford,
Tipperary,
Cork,
Limerick,
Kerry,
Connaught and
Roscommon; And

(*a*) *Lynch's Feud. Bar.* 43. (*b*) *Ibid.* 50, 309.

The seneschals of the liberties of Meath,
Wexford,
Carlow,
Kilkenny, and
Ulster,

were ordered, that they, the sheriffs in full county, and the seneschals in the full courts of such liberties, by the assent of such counties and liberties should cause to be *elected* two of the knights of each county and liberty to be present, having full power from the whole community of such county and liberty; and that each sheriff and seneschal should be present in person.

In the 28 *Edw.* I. writs of summons to a general parliament at *Dublin* were issued requiring the presence of the prelates and magnates in person, and the communities of counties by 2, 3, or 4, elected for the purpose, and having special power, as if all were present; and likewise the communities of cities and boroughs by 2 or 3, &c. Separate writs, it seems, were issued to the cities and boroughs. (*a*)

This king granted a certain royal liberty within the county of *Kerry* and *Desmond* to *Thomas Fitz-Anthony*. (*b*)

EDWARD THE SECOND.

In this reign many parliaments were held at *Kilkenny* and at *Dublin*. It appears the writs for the Commons were directed to the sheriffs, commanding them to cause 2 knights to come from each county, and from each city or borough 2 citizens or burgesses. Some of the enactments were aimed against the exactions of the nobility, and it appears that there was a committee (4 *Edw.* II.) for preparing the statutes, and for despatch of business, the members of which were selected from the Commons as well as the Lords. (*c*) In the parliament 13 *Edw.* II.

(*a*) *Lynch's Feud. Bar.* 310.
(*b*) *Dav.* 61.
(*c*) *Lynch's Feud. Bar.* 53, 314.

the *English* statutes of *Westm.* the 1st and 2nd, *Merton, Marlbridge* and *Gloucester* were adopted, and it was enacted *that there be a parliament held in each year once at the least,* &c. (*a*)

EDWARD THE THIRD.

This king granted a royal liberty in the county of *Tipperary* to the earl of *Ormond.* (*b*)

In the 31 *Edw.* III. he made the Ordinance for the Estate of the Land of *Ireland,* by which, in consequence of the disorders of the country, he directed that public matters should be discussed in councils and parliaments of the counsellors, prelates, magnates *et quosdam de discretioribus et probioribus hominibus* DE PARTIBUS VICINIS *ubi ipsa consilia tenere contigerit, propter hoc evocandos;*" (*c*) and, accordingly, in the 33 *Edw.* III. certain of the prelates, peers and commoners were summoned to *Dublin,* and others to *Waterford;* and other writs of a like description, it is said, subsequently went and are still extant. In the 33 *Edw.* III. writs issued to the following, to elect and return 2 citizens, &c. to meet at *Dublin.*

Early representation of Ireland.

The mayor, bailiffs and citizens of *Dublin,*

The mayor, seneschal, and bailiffs of the town of *Drogheda.*

The mayor and bailiffs of the city of *Cork,*
Limerick,
Waterford,

The sovereign and bailiffs of the town of *Kilkenny,*
Rosse,

The provost and bailiffs of the town of *Clonmel,*
Wexford,

The sheriff of *Dublin,*
Kildare,
Carlow,
Cross Meath.

(*a*) *Lynch's Feud. Ear.* 55, *Lynch on Elect.* 30.
(*b*) *Dav.* 61.
(*c*) *Stat. of the Realm,* 357.

The sheriff of *Cross Kilkenny,*
Louth,
Cross Wexford,
The seneschal of the liberty of *Kilkenny,*
Meath,
Wexford,

The following received writs of summons to meet at *Waterford* the same day:

The seneschal of the liberty of *Tipperary,*
The sheriff of *Cross Tipperary,*
Waterford,
Limerick,
Cork. (*a*)

There were also a few special summonses to the sheriffs, &c. for individuals named.

The sheriffs of *Kerry*, *Connaught* and *Roscommon*, and the seneschals of the liberties of *Carlow* and *Ulster*, do not appear here, though in the 23 *Edw.* I.

There are also writs of summons extant for other parliaments, 33 *Edw.* III., 46 *Edw.* III., 48 *Edw.* III., 1 *Ric.* II., 4 *Ric.* II., 17 *Ric.* II. In these there is little to note, save that in the 33 *Edw.* III., 4 were summoned from *Dublin*, 4 from *Drogheda* "*ex utraque parte aque*," and 6 from each of the counties of *Dublin*, *Kildare* and *Louth*, and the liberty of *Meath*. In the 46 *Edw.* III., 2 only were directed to be summoned by election, from each place, but large numbers, by name, of those *in fide et ligeancia quibus nobis tenentur*. The mayor and bailiffs of *Dublin*, too, were directed to warn the 24 *Jurates* of the city, as well as 2 citizens, &c. In the 48 *Edw.* III. the knights were summoned by separate writs to each; and in addition to most of those before mentioned, writs went to the

Seneschal of the liberty, and sheriff of *Cross-Ulster.*
Cross-Kerry.
The sovereign and bailiffs of the town of *Youghal,*
Kinsale.

(*a*) *Lynch's Feud. Bar.* 60, 316.

In the 1 *Ric.* II., &c. there was little alteration. The mode of directing the writs was slightly varied, and the following new names appear :

The provost and bailiffs of the town of *Galway*, *Athenry*.

By the statute of absentees, 28 *Hen.* VIII. *Ir. c.* 3, *s.* 1, the seigniory of *Carlow*, which was the inheritance of the duke of *Norfolk*, and the seigniory of *Wexford*, which was the inheritance of the earl of *Salop*, were resumed, with all counties palatine, and royal jurisdictions, and vested in the crown.

By another act, not printed, 28 *Hen.* VIII. *Ir. Rot. Parl. c.* 24, the royal liberty of *Wexford*, extinguished by the act of absentees, was revived.(*a*)

The royal liberty of *Kildare* had continuance until the attainder of *Gerald*, earl of *Kildare*, by act of parliament, 28 *Hen.* VIII. *Ir. c.* 1, *s.* 2; and when his son was restored by letters patent, 1, 2 *Phil.* & *M.*, although all liberties, privileges, honors, jurisdictions, conusance of pleas, &c., were regranted to him, there was an exception, *magnâ curiâ de recordo et libertate comitatus de Kildare tantummodo exceptis.*

As to the palatinate of *Meath*, the grant of it by *Hen.* II. was, like that of *Chester* by *Will.* I., by general words, which, by ancient allowance, sufficed to convey all the liberties and prerogatives of the county palatine. This was, to hold as *Murchard O'Melaghlin* (the *Irish* king of *Meath*) had held, &c., and to have *omnes libertates et liberas consuetudines quas ibi habeo, vel illi dare possum.*" *Geffrey de Genvill* married *Matilda* one of the coparceners of this territory,—had his charter enrolled (in *C. P.* 1 *Edw.* II.),—and granted a charter to his barons to hold pleas, reserving pleas of the crown; and the earls palatine of *Meath* exercised *jura regalia* there until the seigniory descended to king *Edw.* IV.

Ulster, also, was a county palatine, with like prerogatives, until it descended to king *Edw.* IV.

(*a*) *Dav.* 64.

Many gentlemen of *Meath* and the other royal liberties had the title of barons, as had been the case in the *English* palatinates also. (*a*)

By the 34 *Hen.* VIII. *Ir. c.* 1., the former county of *Meath* was divided into two shires, *Meath* and *Westmeath;* and this statute (*ss.* 1, 3, and 6,) makes express mention of knights of the shire, for each.

By the 3, 4 *Phil.* & *M. Ir. c.* 2, the countries of *Leix*, *Slewmarge*, *Offalie*, *Irrie* and *Glinmaliry*, recently recovered from the *O'Mores*, *O'Dempsies*, and *O'Connors*, were made shires by the names of the *Queen's* county and the *King's* county; and by an act (*c.* 3,) of the same session, and the 11 *Eliz. Ir. sess.* 3, *c.* 9. (*b*), the chancellor was empowered to award commissions for reducing into shires all the *Irish* countries which were not shire ground before. The latter act contains an express saving of the liberties of *Tipperary* and of *Kerry.*

The regalities and liberties of the county of *Tipperary* and *Cross Tipperary*, commonly called the county palatine (*c*) of *Tipperary*, granted and confirmed to *James*, duke of *Ormond*, by letters patent, 22d *April*, 14 *Car.* II., and therein recited to have been had, holden, used, and enjoyed by the earls of *Ormond and Ossory*, from of old, (which letters patent had been ratified by the statute 14, 15 *Car.* II. *Ir. c.* 20,) were, by the 2 *Geo.* I. *Ir. c.* 8., annulled and extinguished for ever.

Sir *John Davis* (*d*) says that this alone continued in the time of *Jac.* I.; all the others having been resumed or extinguished.

The following were required to return knights of the shire in the 2 *Eliz.:*

The sheriff of Dublin,
Meath,
Westmeath,
Louth,

(*a*) *Dav.* 65, *a.*
(*b*) *See Dav.* 39.
(*c*) *See* 7 *Will.* III. *Ir. c.* 22. *s.* 1., *and Huds. L. and T.* 190.
(*d*) *Dav.* 61, 62.

The sheriff of Kildare,
Carlow,
Kilkenny,
Waterford,
Cork,
Kerry,
Limerick,
Connaught,
Clare,
Tipperary,
Wexford,
Antrim,
Armagh,
Down,
King's County,
Queen's County.

The same counties, except *Armagh*, returned knights in the 17 *Eliz.*; "*Connaught*," also, was omitted, and the following appeared in addition:

Longford,
Galway,
Mayo,
Roscommon,
Sligo,
Fernes,
Wicklow,
Cavan,
Crosie Tipperary.

The names of the several cities and boroughs returning members for 500 years,—from 1300 to 1800,—have been collected from writs of parliamentary summons and parliament lists, and will be found in the table at the end of this introduction.(*a*) It will be seen that though there were places which uniformly and at all times returned members, yet, there were others, which, like similar places in *England*, were omitted, and afterwards summoned; but, on the whole, that there was a continued extension of the represen-

(*a*) *See Lynch on Elect.* 31, *and page* 46, *post.*

tation. No discontinuance or disuser was allowed to bar the right of any towns to return members, whenever such towns were in a situation to claim and resume the right. This principle was acted on in several instances, and afterwards, in affirmance of it, a resolution of a committee on the 17th *Oct.* 1614, was made a standing order of the House of Commons of *Ireland*, viz.: "It is agreed by the committees that no cities or boroughs that have sent citizens or burgesses to the parliament holden the 28th year of the reign of queen *Elizabeth, or in any other parliament holden before that time,* shall be questioned withal for their power to send citizens and burgesses."

Union of Great Britain and Ireland.

By the articles of union, ratified by the respective parliaments in each kingdom, and by acts passed in the year 1800, (see the 40 *Geo.* III. *Ir. cc.* 29, and 38; and the 39, 40 *Geo.* III. *G. B. c.* 67,) it was provided that 4 lords spiritual of *Ireland*, by rotation of sessions, and 28 lords temporal of *Ireland*, elected for life by the peers of *Ireland*, should be the number to sit and vote on the part of *Ireland* in the House of Lords, and that 100 commoners should be the number to sit and vote on the part of *Ireland* in the House of Commons of the parliament of the United Kingdom of *Great Britain* and *Ireland*.

Parliament of the United Kingdom.

The number of representatives of the commons in the parliament of the United Kingdom, by these several events, amounted to—

For *England* and *Wales*, ...	513
Scotland, ...	45
Ireland, ...	100
Total, ...	658

The distribution of the 100 commoners for *Ireland* was ordained to be 64 for the 32 counties, viz., 2 for each county; and 36 for the cities and boroughs, viz., 2 for the city of *Dublin*, 2 for the city of *Cork*, 1 for the College of the *Holy Trinity* of *Dublin*, and, for 31 other cities and boroughs named, one each.

And now, by the *Irish* reform act, 2, 3 *Will.* IV. *c.* 88, *s.* 11, A. D. 1832, it is enacted, that the city of *Limerick*, the city of *Waterford*, the borough of *Belfast*, the county of the town of *Galway*, and the university of *Dublin* shall each respectively return one member, (5 in all) to serve in each future parliament, in addition to the member which each of the said places was before entitled to return.

The number of representatives of the commons in parliament, by the several reform acts, are as follows:

For *England* and *Wales* by the 2, 3 *Will.* IV. *c.* 45, ...	500 (*a*)
Scotland, by the 2, 3 *Will.* IV. *c.* . .	53
Ireland, by the 2, 3 *Will.* IV. *c.* 88, . .	105
	658

It will be material to distinguish the electoral districts of *Ireland* into four classes, and the four following tables will exhibit the classification and the proper names of each. The information as to the electors is taken from a return to the House of Commons.

I. *The shires or counties of* Ireland, *usually denominated "counties at large."*

The county of *Antrim.*
Armagh.
Carlow.
Cavan.
Clare.
Cork.
Donegal.
Down.
Dublin.
Fermanagh.
Galway.
Kerry.

(*a*) The English borough representation, 419, has been diminished by 78, *i. e.* to 341. The county representation, 94, has been encreased by 65, *i. e.* to 159, Decrease on the whole, 13.

The county of *Kildare.*
Kilkenny.
The *King's* county.
The county of *Leitrim.*
Limerick.
The city and county of *Londonderry.*
The county of *Longford.*
Louth.
Mayo.
Meath.
Monaghan.
The *Queen's* county.
The county of *Roscommon.*
Sligo.
Tipperary.
Tyrone.
Waterford.
Westmeath.
Wexford.
Wicklow.

II. *Cities and Towns being Counties of themselves.*

NAMES.	Description of electors, exclusive of freeholders, previously to the reform act.
The County & Town of *Carrickfergus,*	Aldermen, Burgesses, & Freemen.
The City of *Cork,*	Freemen.
The County & Town of *Drogheda,*	Freemen.
The City of *Dublin,*	Freemen.
The Town of *Galway,*	Freemen.
The City of *Kilkenny,*	Freemen.
Limerick,	Freemen.
Waterford,	Freemen.

Drogheda.

By a statute passed in the 2 *Hen.* VIII. (*a*) it was

(*a*) *Lynch on Elect.* 80.

enacted that the meses, lands and tenements with the appurtenances in *Barnatty* in the shire of *Louth*, otherwise called *Uriell*, whereof *John Netterville* of *Dowth* was seised in his demesne as of fee, situate nigh to the town of *Drogheda*, should be parcel of the franchise of *Drogheda*, and utterly discharged of the shire of *Louth* and the county for ever; and dwellers, tenants, and land occupiers, and residenciaries of the same for ever, should have the liberties, freedoms and franchises of *Drogheda*, and use and enjoy them as the inhabitants of *Manomore* had.

By another statute of the same year, (*a*) it was enacted that the town of *Little Cabragh* near *Dublin* should be parcel of the franchise of the city of *Dublin*, and that the inhabitants and the tenants of that land should for ever have and enjoy the liberties, freedoms, and franchises of the city of *Dublin* as the citizens and denizens within the same town had; and that all the tenants and residents of the same should be discharged from all charges, &c. within the body of the county of *Dublin*, or with the commonalty of the same. Dublin.

By the *Irish* boundary act, 2, 3 *Will.* IV. *c.* 89, the limits of the cities and towns being counties of themselves are not changed, as respects the election of members to serve in parliament, save in the case of *Dublin;* the description as to it is,—" The county of the city of *Dublin*, and such parts of the county at large as lie within the *Circular-road.*" (*b*)

(*a*) *Lynch on Elect.* 82.

(*b*) See in the Appendix, the statute 49 *Geo.* III. *c.* 140, and the note annexed as to this boundary.

III. *Cities, Towns and Boroughs, not being Counties of themselves.*

Names in the 40 Geo. III. Ir. cc. 29 and 38.	Counties in which situate.	Description of electors previously to the Reform Act.	No. of such electors
The Borough of *Armagh*,	*Armagh*,	1 sovereign, 12 burgesses,	13
Athlone,	*Roscommon & Westmeath*	Freemen,	71
The Town of *Bandon-bridge*,	*Cork*,	1 provost, 12 burgesses,	13
The Borough of *Belfast*,	*Antrim* and *Down*,	1 sovereign, 12 burgesses,	13
The City of *Cashel*,	*Tipperary*,	Aldermen and freemen,	26
The Borough of *Catherlough*, (*Carlow.*)	*Carlow*,	1 sovereign, 12 burgesses,	13
Clonmel,	*Tipperary & Waterford*,	1 mayor, 2 bailiffs, 17 burgesses, 85 freemen.	105
Coleraine,	*Londonderry* and *Antrim*	Mayor, aldermen, burgesses and freemen,	127
Downpatrick,	*Down*,	Householders, £5 value,	493
Dundalk,	*Louth*,	Burgesses and freemen,	32
Dungannon,	*Tyrone*,	1 provost, 11 burgesses,	12
Dungarvan,	*Waterford*,	Freeholders & 5*l.* household.	871
Ennis,	*Clare*,	1 provost, 12 burgesses,	13
Enniskillen,	*Fermanagh*,	Freemen,	15
Kinsale,	*Cork*,	Freemen,	64
Lisburne,	*Antrim* and *Down*,	5*l.* householders,	56
The City of *Londonderry*,	*Londonderry*,	Freemen,	650
The Town of *Mallow*,	*Cork*,	Freeholders only	550
New Ross,	*Wexford* and *Kilkenny*,	Freemen,	32
The Borough of *Newry*.	*Armagh* and *Down*,	5*l.* householders,	935
Portarlington,	*King's* County and *Queen's* County,	Freemen and burgesses,	15
Sligo,	*Sligo*,	1 provost, 12 burgesses,	13
Tralee,	*Kerry*,	1 provost, 12 burgesses,	13
The Town of *Wexford*,	*Wexford*,	Freemen,	158
Youghal,	*Cork*,	Freemen,	242

The limits of all these places are specially defined by the Boundary act, 2, 3 *Will.* IV. *c.* 89.

IV. *The College of the Holy Trinity of Dublin*, (40 *Geo.* III. *Ir. cc.* 29 *and* 38, *called in the* 2, 3 *Will.* IV. *c.* 88, *ss.* 11 *and* 60, *the University of Dublin.*)

Electors previously to the Reform Act.	Number of such electors.
1 provost, 25 fellows, 70 scholars.	96

CHAP. II.

OF THE ELECTIVE FRANCHISE, AS ORIGINALLY CONSTITUTED.

THE common law placed all elections in the hands of THE PEOPLE. But, under the *Saxon* government there were persons in a condition of downright servitude; and the right of election, therefore, was restricted to those whom the law accounted FREE. Every elector ought to be *liber et legalis homo.* The test of freedom was free tenure.

All the real property of the kingdom was considered to be *holden* of some superior or lord, in consideration of some services to be rendered, and, either mediately or immediately, of the king, who was styled the lord *paramount*, or above all. The thing holden was called a *tenement*, the possessors thereof *tenants*, and the manner of their possession a *tenure*. But tenements were of two kinds *frank-tenement*, or freehold, and *villenage*. The nature of the services determined the tenure: those of the former were called *free*, those of the latter *base*. The villeins held their lands, by copy of court-roll, of the lord of the manor; and hence the name of copyhold, and lands are said to be either of freehold tenure, or of copyhold.

Copyholders, then, being, in their nature, viewed merely as vassals, and holding, (as they still do in fiction of law) at the will of the lord of their manor, were excluded from the rights of freemen, unless privileged as afterwards mentioned.

And though land was of freehold tenure, yet the *interest* of the occupier in it might be so precarious or dependent, as not to entitle him to a franchise. Therefore all mere tenants at will were excluded.

Tenants for terms of years, also,—before that tenure was generally introduced and its value understood, and before the tenant of the freehold was prevented by statute (21 *Hen.*. VIII. *Eng. c.* 15, 33 *Hen.* VIII. *Ir. sess.* 1, *c.* 11,) from destroying their interests by suffering a common recovery, which he might have done at any time,—were considered but as the bailiffs or husbandmen of the lessors or landlords, accounting for the profits at a settled price, and not having any property of their own, or a property too precarious to confer freedom. Such, therefore, were not admitted to the elective franchise. (*a*)

But all those, whose tenure was free, had a share in all elections which the law committed to the people.

Election of Sheriffs

In this manner the *Sheriffs* of the several counties were formerly elected by the inhabitants. In confirmation of which (the crown having for a time usurped the appointment) it was ordained by the statute 28 *Edw.* I. *Eng. & Ir. c.* 8, that THE PEOPLE should have election of sheriffs in every shire, where the shrievalty is not of inheritance; for, anciently, some were of inheritance. The reason of these popular elections is assigned in the same statute, *c.* 13, "that the commons might choose such as would not be a burthen to them." And herein, says *Blackstone*, appears plainly a strong trace of the democratical part of our constitution; in which form of government it is an indispensable requisite, that the people should choose their own magistrates. (*b*) This right of choosing sheriffs was put an end to by the 9 *Edw.* II. *Eng. & Ir. stat.* 2.

Of Coroners.

The *coroners*, too, by the common law (*c*), are chosen by all the freeholders of the county, in the county court, by force of the king's writ; as were also the *conservators of the peace* (before the institution of justices of

(*a*) 2 *Bla. Comm.* 141, 142, 386.
(*b*) 1 *Bla. Comm.* 339, 340.
(*c*) 2 *Co. Inst.* 558.

the peace) and all officers or ministers, either for the preservation of the peace of the county, or for execution of justice, because it concerned all the subjects of that county, and they had a great interest in the just and due exercises of their several places. And Sir *Edward Coke* says, "though the words of the writ were '*de assensu comitatus*,' and '*per communitatem ejusdem comitatus*,' and by the above act 'the people' were to elect the sheriff, yet ought the election to be by the *freeholders* of the county; and so it was then, and yet is of the verderors of a forest."

And in *Ireland* the election of coroner was so made, until, recently, by the 10 *Geo.* IV. *c.* 37, A.D. 1829, it was enacted, that no person should be permitted to vote at any such election unless qualified by law to vote at an election for a knight of the shire, "of which the certificate of their registry of the *freehold* shall be sufficient evidence."

Of representatives to serve in parliament.

We have seen that it is by no means certain that in very early times the commons were called to the *commune concilium* of the nation by a system of representation. The probability rather is that they formed no portion of any national assembly, except when the king called for extraordinary or extra-feudal aids. It was part of the feudal polity that the sovereign or lord could not impose an aid, which was not part of the feudal services, without the assent of his tenants; and, when that was required by the king, they were summoned to attend his council; and then the *magnum concilium*, *aula regia*, or council of magnates, with this addition, received the name of *commune concilium*. But the wars and distresses of the *Anglo-Norman* kings made it requisite for them frequently to require aids and subsidies from their tenants, and the inconvenience of summoning such vast numbers insensibly led to admitting the practice of deputation; and the body which held the power of imposing taxation soon established their right of controlling and in a great measure originating all legislation.

In counties.

The moment the *elective* system was adopted in the

counties, the common law immediately conferred the right of electing the representatives, (as of the sheriffs, coroners, &c.,) upon the community at large, to be exercised by all free and lawful men.

Of frank-tenements some were held by military services called *knight-service*, and when these were held of the king the owners were called tenants *in capite*. Others were held in *socage*, a general denomination (to which the military tenures were reduced by the 12 *Car.* II. *Eng. c.* 24, 14, 15 *Car.* II. *Ir. c.* 19,) and which *Littleton* (*a*) defined to be "where the tenant holdeth of his lord the tenancy by *certain* service for all manner of service so that the service be not knight's-service."

"Socage" is derived from the *Saxon* word "soc," which, we have seen (*b*), means the right of suit of court, and, originally, among all feudal nations, the tenant owed this to his lord, and though the obligation of attendance on the lord's court was afterwards very generally commuted, the name of the tenure remained.

Boroughs.

"Borough" or "burgh" of the same root with the *Saxon* word "beorgan," *in tutum recipere, servare*, in its original signification meant "a place of safety," and thence a "fortified place," or "walled town."

These all belonged either to the king or some other lord, to whom the tenants owed *soccam, saccam, &c.*, and did suit at his court. The houses were called "burgages," and the inhabitants "burgesses."

Cities.

A "city" is only one of the more considerable boroughs which became a bishop's see; and such, (as *Westminster,*) retains the name though it has ceased to be a bishop's see. *Blackstone* defines it "a town *incorporated &c.*," but *Westminster* never was incorporated, and it is altogether immaterial whether a *borough* has ever been incorporated or not. Many of them never were. (*c*)

Tenure in burgage.

Tenure in *burgage*, *Littleton* (*d*) says, is "where an an-

(*a*) *Littl. s.* 117.
(*b*) *Ante p.* 14.
(*c*) 1 *Bla. Comm.* 114; *Heyw. Bor. Elect.* 1—10.
(*d*) *Littl. ss.* 162, 163.

cient borough is, of which the king or other person is lord, and they that have tenements within such borough, hold by a certain rent, and such tenure is but tenure in 'socage:'" and he adds (*a*), "the ancient towns called boroughs be the most ancient towns that be within *England*, for the towns that now be cities or counties, in old times were boroughs and called boroughs; for of such old towns, called boroughs, come the burgesses of the parliament to the parliament, when the king hath summoned his parliament."

Another species of tenure, known by the name of *ancient demesne*, subsisted, which was where copyhold lands or manors were in the ancient possession of the crown, and were enfranchised, by royal favor, in consideration of becoming bound to render determinate and *certain* services. This tenure went sometimes under the name of *privileged villenage*, and sometimes of *villein socage* (*b*). One of the privileges granted was that they could not be compelled (like pure villeins) to relinquish these tenements at the lord's will; "*et ideo*," says *Bracton*, "*dicuntur liberi*." Ancient demesne.

The king's tenants, of all these descriptions, were anciently summoned to the *commune concilium*, to assent to the aids and tallages which the crown sought. *Tallage*, (from *tailler* to share or cut off,) was a general word for a share of a man's substance paid by way of tribute. The levying of aids without authority of parliament had been often restrained, but the kings claimed and exercised the prerogative of tallaging their demesnes and boroughs at pleasure. This, also, was put an end to by the statute before referred to. (*c*) But, whether the impost were an arbitrary or a legal exaction, in order to increase its amount, the trading within and enjoying the liberties of the borough was esteemed a reasonable plea for making the inhabitants, generally, liable to tallage. (*d*) The tallages assessed upon these classes were much more heavy than the sums charged upon lands in the counties at Origin of the common law right in boroughs, &c.

(*a*) *Littl. s.* 164.
(*b*) 1 *Bla. Comm.* 98, 99.
(*c*) *Ante, p.* 7.
(*d*) 1 *Mad. Exch.* 723, 725.

large; and therefore it was considered as a privilege to be tallaged with the community of the county. This privilege the tenants in ancient demesne claimed, and thence we may date, in great part, the discontinuance of their return to parliament; some of them became identified with the inhabitants of the boroughs.

When the tenants in burgage began to return representatives in parliament they became subject to the payment of their wages; and these burdens they were naturally desirous to throw in part upon the other inhabitants of the boroughs. Thus the crown and the tenants became equally interested in extending the right of election; the right itself, for several centuries, was considered of little value; much was left to accident, and various modifications of it arose (*a*).

In this way the franchise often became general, and hence arose what has become known under the appellation of the *common law right* of voting in boroughs, which is,—that, *besides the freeholders*, of common right, *all the inhabitants, householders and residents within the borough*, ought to have voice in the election; and this has been held to apply to all places, and prevail, unless some other right, supported by *prescription and constant usage beyond all memory*, can be shown. (*b*)

Prescriptive right.

But by *prescription* and ancient usage, the elective franchise appeared under an almost infinite variety of modifications; and in many places *freeholders* generally, and sometimes even *tenants for years*, and *copyholders*, became possessed of it, as well as various other classes, some depending on tenure, and others not.

Freemen.

By prescription.

Amongst others, where gilds or corporations by prescription exist, the franchise may, by prescription, be vested either in the corporators jointly with other classes, or in them alone.

"Gild," in *Saxon*, means *payment;* and corporate fraternities received this name either from the tribute they

(*a*) *Heyw. Bor. Elect.* 174; 4 *Grey Deb. p.* 5.

(*b*) *Heyw. Bor. Elect.* 183.

paid to the crown, or, more probably, the payment each member was liable to make for the support of the company. These commenced, if not under the *Saxon*, very early under the *Anglo-Norman* dynasty, and king *John* granted a *gildâ mercatoria* to several boroughs. The introduction of these gilds merchant was accompanied with privileges and immunities, (exemption from tolls, &c.) which were *personal* in the members of each fraternity, and so distinguishable from those of the burgage tenure. Afterwards, *charters* were granted to particular persons, sometimes to all the inhabitants of a district in general, creating them a body politic, with perpetual succession and various privileges. But it was not until a late period, (the charter of *Wenlock*, A.D. 1478, in the reign of *Edw.* IV. is said to be the earliest instance), that the right of voting was *expressly* granted by charter (*a*).

By charter.

With respect to the right thus expressly conferred by charter, there are two points especially remarkable; 1st, that if it was the only right, and ceased altogether as to the corporators, as by the dissolution of the corporation, the right to return members was not lost, but vested in the inhabitants at large, as a common law right. Such were the cases of *Minehead* and *Aylesbury* (*b*), which first returned members under the charters of *Elizabeth* and *Mary*. Again, where an ancient borough was newly incorporated, the ancient right was not extinguished, though the new franchise, also, was admitted. Thus *Oakhampton* had sent members in the 7 *Edw.* II., having, it appears, a prescriptive right in the freeholders; but it long had ceased to exercise the privilege. A corporation was created in 1623, 21 *Jac.* I. In 1640 it again returned members; and the right was settled to be in the freeholders *and* freemen. (*c*)

Force of the common law right.

In *Ireland*, a general review of the liberties and immunities conferred on the ancient cities and towns, by their early charters, leads to the conclusion that the privileges

Review of the history of the right in the boroughs and cities of Ireland.

(*a*) *Heyw. Bor. Elect.* 11—18.
(*b*) *Ibid.* 20, 21.
(*c*) *Ibid.* 384, 5.

were only to be obtained on the principle of *inhabitancy.* (*a*)

Thus, the city of *Dublin:*—by the charter of *Hen.* II. it was granted to certain persons *ad inhabitandum,* and they were to hold it in fee-farm at 200 marks yearly rent. In the great charter to the citizens, A.D. 1192, the privileges are granted to those *dwelling* and remaining within the metes of the city; and it is specially granted, that they should have all holdings within these metes, and should be able for their advantage to act or dispose of them, as also of the waste and unimproved lands; and when so disposed of that they should be held in *free burgage,* and at a rent which this charter calls the service of *langable; i.e. land-gavel,* or land rent; quit rent for the site of a house, or the land whereon it stood. This charter has a saving, that the city should not dispose of certain lands within the metes, which had been possessed by others as tenants under the archbishop of *Dublin,* the knights templars, &c. when *Hen.* II. first granted the city for inhabitation; but that these tenants should do all customs of the city as other citizens: *communes faciant consuetudines civitatis sicut alii cives.* In 10 *Hen.* III. A.D. 1225, an agreement was entered into between the archbishop and the citizens of *Dublin,* that those tenants or men of the archbishop or his clergy, *dwelling* on such lands, *qui participes sunt et esse volunt* LIBERTATIS *civitatis,* should be so on their paying, with the citizens, tallage for strengthening the city, and likewise contributing their share with the citizens when any tallage or aid was granted;—*auxilientur cum ipsis civibus cum de mandato domini regis speciali aliquod fit tallagium vel auxilium.*"

In *Limerick, Waterford, Drogheda* and other places, grants were made, as in *Dublin,* and the lands were directed to be held in *free burgage;* and in the 17 *John,* when doubts arose as to the lands previously granted to the citizens of *Limerick,* and which they had demised in *free burgage,* the king addressed his letters, "*omnibus qui*

(*a*) *Lynch on Elect.* 34, &c.

terras ceperunt vel capient de civibus Limerick de 40 *carucatis que assignate fuerunt civitati Limerick in burgagium*, and confirmed to them their estates and interest therein, as also *all the liberties and free customs to the same appertaining*.

In the charter of incorporation of *Rossponte*, the burgesses are empowered, "*quod possint de tenementis suis per* 20 *pedes terræ* LIBEROS *facere* TENENTES, *ita quod* COMMUNEM CUM BURGENSIBUS *habeant* LIBERTATEM. In a similar manner a power of making freeholders, who should enjoy all the liberties of the town, was granted to the burgesses of *Kilkenny* and several other places. In those places, as in *Wexford*, &c. 1s. was the rent originally reserved out of each burgage with its appurtenances. A like yearly rent was reserved in the town of *Dundalk*, which was found by inquisition to have been incorporated soon after the acquirement of *Ireland*, and divers burgesses made and enfeoffed there with burgages.

In 1222, *Hen.* III. by his ordinance, declared that taking and holding tenements within those places, unless accompanied by residence and occupancy, did not give freedom.

These two qualifications, tenancy and residence were, then, the foundations of the franchise in the *Irish* boroughs; and, accordingly, pleadings are found, as to *Cashel* and other ancient places, distinctly setting forth their corporate privileges as originally vested in all the "citizens, inhabitants and residents of such places."

The privileges and immunities granted to the inhabitants of these ancient towns were numerous; and one, the exemption from tolls, was considered peculiarly valuable. The charters, (as of *Dublin*, *Drogheda*, *Dundalk*, *Waterford*, *Ross*, *Kilkenny*, *Wexford*,) invariably contain a clause of exclusion of the *extraneus mercator*, or *forinsecus homo*, from the enjoyment of their liberties, under peculiar circumstances; and there are, in general, words showing that a casual visitor was designated, as in the charter of *Wexford*, "*forinsecus sive extraneus mercator* ad villam *tempore quocunque* veniens." But still, persons *not dwelling* in the towns having taken places

and messuages in *Waterford, Limerick*, &c. and claimed freedom, &c., mandates were issued by the crown, A. D. 1222, whereby the justiciary was ordered not to allow it them by reason of the lands they took *unless* they were *cubantes et levantes* in the town, and *at scot and lot commonly with the burgesses there residing.*

In the 15th century it is found there had grown up, by custom or usage, in those towns, three distinct rights to freedom, in addition to the ancient right by inhabitation. These were rights by *marriage*, by *apprenticeship*, and by *birth*; and appear to have had their origin in the principle of inhabitancy.

In the same century also commenced the practice of admitting to the franchise others not being residents.

Innovations on the ancient right by James I.

The ancient constitution of the *Irish* cities and towns remained until the accession of *Jac.* I., who despatched military governors or presidents through the provinces, for the purpose of enforcing, particularly in corporate towns, the statutes passed, but not strictly enforced against the Roman Catholics in the previous reign. These presidents came over with the threat "to cut with King *James's* sword King *John's* charters to pieces, to level the cities with the ground, and strew them with salt." On arriving at the towns, they proceeded to depose those officers who declined to yield to them; imprisoned them during his majesty's pleasure; imposed heavy pecuniary penalties; and, for payment of these fines, had their goods and chattels sold in the public streets. Other persons of known pliancy were then substituted in their places, and these willingly resigned the rights and liberties of their towns into the king's hands, and took out new charters of incorporation, as in *Wexford, Limerick, Drogheda, Ross*, &c. In the new charters the *burgesses* as well as the officers were usually mentioned by name; their number was limited,—and the whole frame prepared with the object of throwing the management of the corporate affairs into a few hands, and excluding the great body of inhabitants altogether or depriving them of that legitimate share in their own government, which, under the

original constitution of those boroughs, they had enjoyed for more than 400 hundred years. The prerogative, also, of creating new corporations and bestowing a right to return members to parliament appears to have been freely exercised.

The case of the new corporation of *Dungannon* (*E.* 12 *Jac.* I.) was this: the king constituted the town of *Dungannon* to be a free borough, and the charter proceeded ' *et ulterius volumus, &c., quod inhabitantes villæ prædictæ sint unum corpus corporatum per nomen præpositi,* 12 *Burgensium, et communitatis Dungannon, et per idem nomen placitare possent, et quod ipsi prædicti propositi et burgenses et successores sui habeant potestatem eligendi duos Burgenses, &c., ad Parliamentum, &c.* A difficulty arose upon this which appears to have been referred to the *English* judges; viz., whether this grant of election of burgesses of parliament was good? for it was said to be a grant to a parcel of the body only, viz., the Provost and Burgesses who were not capable of an inheritance, and not to the entire body corporate, viz., the provost, burgesses, and commonalty. But it was held that this should be an implied grant to all the corporation, that the provost and burgesses shall elect, though some of the judges thought the contrary. It is added, " And note, all the new corporations were of the same form, and in none of them is any clause to elect new burgesses, so that when those of the modern burgesses die, this power to elect burgesses is gone." (*a*) Case of Dungannon.

By charter, 11 *Jac.* I. the town of *Newtown*, in the county of *Down*, was made a free borough and body corporate, consisting of a provost, 12 free burgesses, and the commonalty, with power to the provost and free burgesses to elect 2 members to serve in parliament. If the burgesses should die, &c., the provost and the other burgesses should elect others out of the best of the *inhabitants* of the borough. Upon pretence that proper persons could not be found in the town, they elected non Case of Newtown.

(*a*) *Ireland and Free Borough*, 12 *Co.* 120, 121.

residents in the 18 *Geo.* II. After the 19 *Geo.* II. *Ir. c.* 12 had passed, an information in the nature of a *quo warranto* was exhibited against those persons for usurping the offices. It was held such an information would not lie without a previous amotion. The 21 *Geo.* II. *Ir. c.* 10 passed the same year the information was filed, *authorising* the election of non-residents; but the judgment went on the above point (*a*). The decision, however, is exactly contrary to another in the same reporter. (*b*)

Case of Sligo.

By charter of the 11 *Jac.* I. the town of *Sligo* and the precincts thereof were made a free borough, and it was ordained, "*quod infra burgum prædictum sit unum corpus corporatum et politicum consistens de uno præposito*, 12 *liberis burgensibus, et de communitate. Et quod* OMNES INHABITANTES *infra prædictam villam et terras prædictas, de cetero in perpetuum, sint et erunt vigore præsentium, unum corpus corporatum et politicum in re, facto, et nomine, per nomen præpositi, liberorum burgensium et communitatis Burgi de Sligo.*" After naming the first provost and burgesses, it proceeded to describe who should be the commonalty in these words "*ac* OMNES INHABITANTES *villam prædictum et totidem tales alios homines* quos *præpositus et liberi burgenses ejusdem burgi pro tempore existentes, in libertatem burgi prædicti admiserint, volumus, &c., fore et esse de communitate burgi prædicti.*" The charter then, after providing for the supplying of vacancies in the office of provost out of the burgesses, provided for filling up vacancies among the burgesses *de melioribus et magis probioribus* INHABITANTIBUS. It was alleged, on affidavit, that there was no precedent of admission of any person to the freedom of the borough, as of right, by virtue of *residence* or *inhabitancy*, and it appearing to the court that the corporators had been uniformly *elected* by the provost and burgesses, they refused to grant a *mandamus* to admit a person to the freedom of the borough on the mere ground of inhabi-

(*a*) *Rex* v. *Ponsonby*, 5 *Bro. P. C.* 287. (*b*) *Powell* v *the King*, (*Brecknock*) 5 *Bro. P. C.* 428.

tancy, the charter admitting of a construction consistent with the uniform usage, in opposition to the claim. (*a*) If a resiant, when enrolled and sworn as such, without reference to any other character, were entitled to the privilege of voting at an election of members of parliament, the writ would be granted; but in a case, where that right was in corporators, being inhabitants, and those only, an inhabitant could not have a *mandamus* to be enrolled and sworn a corporator, unless he showed an inchoate right in the inhabitants to be corporators: and this was not established by showing a charter granting that the borough should be a free borough corporate of one mayor and *burgesses being inhabitants of the town.* It did not make *all* the inhabitants burgesses; and even if such had been its legal effect, *Bayley, J.* said, that it would not make all persons, who should thereafter become inhabitants, members also. *Abbott, C. J.* said, "No instance has been laid before us of a corporation in which the mere character of *inhabitant*, or even of *inhabitant householder*, conferred the right to be a member of the corporation, nor do I believe that any such instance exists: an inchoate right to become a member of a corporation, may be acquired by several well known means, as by *birth*, *servitude* or *marriage*; and when such a right has been so acquired this court will interfere to see it perfected: but an inchoate right to become a member of a corporation resting solely on the character of inhabitant, or even of inhabitant householder, is something perfectly new. (*b*)

Case of Dublin.

The corporation of *Dublin* is held to stand upon a footing peculiar to itself with regard to what are elsewhere called *inchoate* rights. To a writ of *mandamus* directed to them to admit a freeman, stating a custom "that every person being of the age of 21 years, and a son of a person who was a freeman of the corporation, and a freeman or free brother of one of the minor gilds

(*a*) *Rex* v. *Provost, &c. of Sligo*, 2 *Fox, & S.* 96.

(*b*) *Rex* v. *the Mayor of West Looe*, 5 *Dowl. and R.* 590.

at the time of the birth of such son, hath *a right* in respect thereof to be admitted and sworn a freeman of the corporation of *Dublin*;" they returned, that the corporation was a corporation by prescription, and stated a custom "that every person who was the son of a freeman, &c. must, before he can, in respect thereof, be admitted and sworn a freeman of the corporation, &c. have been *approved* of by the two branches of the corporation that is to say the lord mayor and aldermen, and the sheriffs and commons, sitting in different apartments, at an assembly of the corporation, called a quarter assembly, notwithstanding that such person, the son of a freeman, may be himself a freeman or free-brother of one of the said minor gilds." They then stated a custom that the person applying for admission should present a petition to each branch of the corporation, who exercised a discretion of complying with or *refusing* the prayer of the petition *without assigning any reason*, and that the opinion of the sheriffs and commons should be taken by *ballot* only; and that, in the case in question, a petition had been presented to the lord mayor and aldermen at a quarter assembly, *which they rejected;* wherefore the corporation could not admit the party. This was held to be a perfectly good and reasonable custom; and as it invests the corporation with an absolute and arbitrary right of rejecting the claims "of a person seeking the completion of" (as the court expresses it,) "what *he considers* an inchoate right," there seems to be an end to what is called *inchoate right*, in this case, altogether.

Case of Dundalk.

In the case of the borough of *Dundalk*, (which, we have seen, was one of the most ancient in the kingdom,) it was pleaded to be from time whereof the memory of man is not to the contrary, a body corporate, and that by letters patent 29 *Car.* II. it was granted, the king (or rather it seems the bailiff, burgesses and *freemen*,) should be incorporated by the name of the bailiff, burgesses, and commonalty of the borough of *Dundalk*, and that the

(*a*) *Rex* v. *Lord Mayor, &c. of Dublin, Batty* 628.

bailiff, burgesses, and commonalty, or the major part of them, &c., should have power to elect and admit any person willing &c. to be of the commonalty, *in the place* of any member of the commonalty who should be disfranchised or deceased, &c. It was found by a verdict, that *Dundalk* was a borough by *prescription*, and that it had been the usage for the bailiff, burgesses, and commonalty to elect and admit persons *without limitation in number*, to be of the commonalty, and *not in the place of freemen deceased or disfranchised.* But it was held that the corporation, having accepted the charter, could not afterwards elect any persons except there were *vacancies* by such events, and that the number of freemen was limited to the number which existed at the time of the grant (*a*).

Case of Drogheda.

In the case of the town of *Drogheda*, it appeared, that, among the undue prosecutions against corporations in the reign of *Jac.* II., an information in the nature of a *quo warranto* was exhibited, A.D. 1686, by the then Attorney-General in the court of *Exchequer*, requiring them to show by what warrant they claimed to use the liberties, privileges, and franchises of a corporate body, upon which judgment was had to seize the said liberties, &c., into the hands of his Majesty; and thereupon, in 3 *Jac.* II., a new charter was granted, reciting the judgment, and forming a new body politic, and the persons named therein acted upon it. It was held, that, the *quo warranto* having been brought *in the Exchequer*, the judgment was void; and all acts done by the new corporation, therefore, void also. The corporation stated they had several charters—2 *Hen.* V., 7 *Jac.* I., and 10 *Will.* III. There was an *English* act, 1 *Will. & M., sess.* 2, *c.* 9, for restoring corporations, notwithstanding proceedings against them by *quo warranto*, &c., or any new charter, surrender, &c.; but this was not the ground of the judgment (*b*).

(*a*) *Page* v. *the King*, 2 *Ridg. P. C.* 445.

(*b*) *Pippard* v. *the Mayor of Drogheda*, 6 *Bro. P. C.* 359.

NAMES OF PLACES IN IRELAND SENDING MEMBERS TO PARLIAMENT SINCE THE YEAR 1358,

COLLECTED FROM ANCIENT WRITS OF SUMMONS AND PARLIAMENTARY LISTS.

33 Edw. III.	48 Edw. III.	1 Ric. II.	4 Ric. II.	5 Ric. II.	15 Ric. II.	2 Eliz.	27 Eliz.	1613.		1790.		
Dublin	Dublin	Dublin	Dublin	Dublin	Dublin	Dublin	Dublin	Armagh	Kilkenny	Antrim	Galway	Monaghan
Drogheda	Waterford	Drogheda	Drogheda	Drogheda	Drogheda	Waterford	Waterford	Charlemont	Gawran	Belfast	Tuam	Ballynakil
Cork	Cork	Waterford	Cork	Cork	Kilkenny	Cork	Cork	Carrickfergus	Callan	Lisburne	Ardfert	Maryboro'
Limerick	Limerick	Cork	Waterford	Waterford	Limerick	Limerick	Limerick	Belfast	Enistiogue	Randalstown	Dingleicouch	Portarling-
Waterford	Drogheda	Limerick	Limerick	Limerick	Waterford	Drogheda	Drogheda	Coleraine	Thomastown	Armagh	Tralee	ton
Kilkenny	Youghal	Kilkenny	Kilkenny	Kilkenny	Cork	Galway	Galway	Carlow	Carrickdrum-	Charlemont	Athy	Boyle
Rosse	Kinsale	Ross	Ross	Rosse	Rosse	Youghall	Youghall	Cavan	rushe	Carrickfergus	Harristown	Roscom-
Clonmel	Rosse	Wexford	Wexford	Wexford	Wexford	Carrick-	Carrick-	Belturbet	Limerick	Carlow	Kildare	mon
Wexford	Wexford	Youghall	Youghall	Youghal	Youghall	fergus	fergus	Ennis	Kilmallock	Leighlin	Naas	Tulsk
	Kilkenny	Galway	Galway	Galway	Kinsale	Kilkenny	Youghall	Limavaddy	Askeaton	Belturbet	Callen	Sligo
		Athenry	Athenry	Athenry	Galway	Kinsale	Kilkenny	Cork	Drogheda	Cavan	Irishtown	Cashel
					Athenry	Wexford	Wexford	Youghal	Ardee	Ennis	Innistiogue	Clonmell
						Rosse	Ross	Kinsale	Dundalk	Baltimore	Gowran	Fethard
						Dundalk	Down	Mallow	Carlingford	Bandonbridge	Kilkenny	Augher
						Carling-	Kynsale	Ballinure	Castlebar	Castlemartyr	Knocktopher	Clogher
						ford	Dundalk	Bandonbridge	Trim	Charleville	Thomastown	Dungannon
						Clonmel	Trim	Cloghnakilty	Athboy	Cloghnikilty	Banagher	Strabane
						Kilmal-	Cashell	Cashell	Navan	Doneraile	Phillipstown	Dungarvan
						lock	Fethard	Fethard	Kells	Kinsale	Carrick	Lismore
						Fethard	Clonmell	Dublin	Monaghan	Mallow	Jamestown	Tallagh
						Thomas-	Kilmal-	Dublin Uni-	Mariborogh	Middleton	Askeyton	Waterford
						town	lock	versity	Ballinekil	Rathcormuck	Kilmallock	Athlone
						Athenry	Thomas	Swords	Phillpstown	Youghall	Limerick	Fore
						Naas	town	Newcastle	Athlone	Ballyshannon	Coleraine	Kilbeggan
						Kildare	Naas	Derry	Boyle	Donegall	Londonderry	Mullingar
						Kells	Enestiock	Donegal	Sligo	Killibegs	Newtown Li-	Bannow
						Trim	Kildare	Lifford	Clonmell	Lifford	maviddy	Clomines
						Athboy	Mullingar	Ballyshannon	Clogher	St. Johnstown	Granard	Enniscor-
						Navan	Athenry	Downpatrick	Dungannon	Bangor	Lanesboro'	thy
						Atherdee	Carling-	Newry	Strabane	Downpatrick	Longford	Fethard
						Mullingar	ford	Bangor	Agher	Hillsborough	St. Johnstown	Gorey
						Athy	Navan	Killileagh	Waterford	Killileagh	Athirdee	New Ross
						Dungar-	Athboy	Newtownards	Dungarvan	Newry	Carlingford	Taghmon
						van	Kells	Enniskillen	Tallow	Newtownards	Dundalk	Wexford
							Athirdee	Galway	Lismore	Drogheda	Dunleer	Baltinglass
							Dingen-	Athenry	Mullingar	Dublin	Castlebar	Blessington
							couch	Tuam	Kilbeggan	Dublin Uni-	Athboy	Carysfort
							Dungarvan	Dingleicouch	Wexford	versity	Duleek	Wicklow
							Callen	Tralee	Ross	Newcastle	Kells	
							Phillips-	Kildare	Enniscorthy	Swords	Navan	
							town	Naas	Fethard	Inniskillen	Ratoath	
							Maryboro'	Athy	Wicklow	Athenry	Trim	
							Swords					

THE LAW AND PRACTICE

OF

ELECTIONS IN IRELAND.

CHAP. I.

QUALIFICATION OF ELECTORS.

GENERAL PROVISIONS OF THE REFORM ACT, 2, 3 WILL. IV. C. 88.

Registry under the 2, 3 *Will.* IV. indispensable.

No person shall be admitted to vote at any election of a member to serve in parliament (except for the university of *Dublin)* unless qualified, as the act allows, *and duly registered under this act—s.* 13. And no registry hereafter to be made shall be valid unless made conformably to this act—*s.* 32.

Possession prior to registry.

No person shall be so registered in respect of any lands, tenements or hereditaments, unless he shall have been in the actual possession thereof, or in receipt of the rents issues and profits thereof for his own use, as the case may require, *for six calendar months* next previous to his registry under this act: except as to property coming by descent, succession, marriage settlement, devise or promotion to any benefice or office—*s.* 13.

First registry session.

Every person, who shall duly register as a voter within this act *at the first session* for registering, shall be thereupon *forthwith* entitled to vote at any election; and any person who shall, *at any time after*, duly register his vote, shall be entitled to vote at any election to be held by virtue of any *writ tested six calendar months* at least after such registry—*s.* 29.

Subsequent registry.

Registry every eight years.

No person shall be admitted to vote at any election, by virtue of any registry under this act, unless he shall have registered *within eight years* next before such election—*s.* 31.

Former laws.

All laws, statutes, and usages now in force respecting elections of members to serve in parliament, shall, save so far as they are repealed or altered by this act, remain, and they are hereby *re-enacted* and declared to be in full force—*s.* 55.

All elections for any member to serve *in the present parliament*, shall be held and made as if this act had not been passed—*s.* 55.

If a dissolution of the present parliament shall take place *before the termination* of the special sessions for any county, &c. to be *first* holden under the provisions of this act, such persons only shall be entitled to vote at the election of members to serve in a new parliament, as *would have been entitled to register their votes under this act*, if the day of such election had been the day for such registry, and such persons shall be entitled to vote in such election although they *may not* be registered according to the provision of this act—*s.* 56.

QUALIFICATIONS OF ELECTORS IN SHIRES, OR COUNTIES AT LARGE.

Former franchises preserved by the reform act.

By the 1st and 2d sections, the elective franchise is conferred on various classes of persons "*in addition* to the persons now by law qualified to vote at the election of knights of the shire for the several counties in *Ireland*;" and, by the 3d section, nothing in this act contained shall take away, or in any manner affect the rights of voting for knights of the shire at present enjoyed by, or which may hereafter accrue to any person by virtue of any law now in force, *except so far as herein specially provided.*

The old Franchises in Counties at large.

Residence.

The first statute respecting electors was the 1 *Hen.* V. *Eng. & Ir. c.* 1, which required that the knights and esquires, and others which shall be choosers of knights of the shires, shall be *resident* within those shires the day of the date of the writ of summons to the parliament. (*a*)

The first statutes imposing qualifications upon electors in respect of the value of their estates were the 8 *Hen.* VI. *Eng. & Ir. c.* 7, and 10 *Hen.* VI. *Eng. & Ir. c.* 2, which direct that the knights of the shires shall be chosen, *by people dwelling and resiant in the same counties, whereof every man shall have freehold to the value of* 40*s. by the year, at the least, above all charges, within the same county.* (*b*)

The above statutes of *Hen.* VI. became in force in *Ireland* by the 10 *Hen.* VII. *Ir. c.* 22; and the 33 *Hen.* VIII. *Ir. sess.* 2. *c.* 1. directed, that the knights, &c. should be chosen and elected by the greater number of the *inhabitants* of the said counties, &c. being present at the said election, and it required every elector of said knights *to dispend and have lands and tenements of estate of free-*

(*a*) *App. p.* 6, *No.* 10. (*b*) *App. pp.* 8, 9, *Nos.* 12, 13.

hold within the said counties, at the least to the yearly value of 40*s. over and above all charges.*

This 40*s.* freehold qualification subsisted in the counties of *Ireland* up to the year 1795, under terms imposed by various acts of parliament which are recited in and repealed by the 35 *Geo.* III. *Ir. c.* 29, and, under that act, with some modifications attached thereby and by subsequent acts, until the 10 *Geo.* IV. *c.* 8, by which that part of the 33 *Hen.* VIII. which relates to the amount or value of the freehold necessary to qualify persons to be electors of knights of the shire is *repealed.*

Nothing is said directly of the statutes of *Hen.* VI. nor are the provisions making *residence* a necessary qualification for electors expressly abrogated.

The 10*l.* freehold franchise.

But it is enacted (10 *Geo.* IV. *c.* 8. *s.* 2,) that no person shall be admitted to vote at any election of a knight of the shire, unless such person shall have an estate of *freehold*, in lands, tenements, or hereditaments, in such county, of the clear yearly value of *ten pounds*, at the least, *over and above all charges*, except only public or parliamentary taxes, county, church, or parish cesses or rates, and cesses on any townland or division of any parish or barony.

Such was the franchise in the enacting clause, but by the oath imposed, (*Sched.* VI.) several qualifications were superadded, some having reference to previous acts of parliament: thus—

Occupancy.

By the 35 *Geo.* III. *Ir. c.* 29. *s.* 30, it was provided that no person should be admitted to vote by virtue of a freehold *under the yearly value of twenty pounds*, unless such freehold was in his *actual occupation* either by his residing thereon, or tilling or grazing the same, &c. This was continued by a negative clause in the freeholder's oath in *Sched.* VI. to the 10 *Geo.* IV.

Rent-charge.

Again, the 35 *Geo.* III. *s.* 25, enacted, that no person should be admitted to vote by virtue of any freehold arising from a *rent-charge*, unless such rent-charge were of the full clear yearly value of *twenty pounds* at the least, &c. This exclusion, also, was continued by a negative

clause in the 10*l.* freeholder's oath in *Sched.* VI. to the 10 *Geo.* IV.

These (and some other provisions respecting the mode of registration, &c.) constituted the distinctions between the *twenty pound*, and the inferior freehold franchise, viz. (principally,) 1. that actual occupancy was not essential; 2. that it might arise out of a rent-charge. The 20*l.* franchise.

Other provisions, giving the privileges of registration at the superior courts in Dublin or at the assizes, &c. were made, where the freehold was of the clear yearly value of *fifty pounds*, 35 *Geo.* III. *Ir. c.* 29, *ss.* 36, 37; 37 *Geo.* III. *Ir. c.* 47, *ss.* 1, 2; 10 *Geo.* IV. *c.* 8, *s.* 25; and hence the 50*l. freehold franchise* came to be viewed separately. The 50*l.* freehold franchise.

By the 35 *Geo.* III. *Ir. s.* 40, it was provided, that no rector, vicar or curate, should be obliged to register his freehold arising from his rectory, vicarage, curacy or other ecclesiastical preferment. Hence a distinction as to *ecclesiastical freeholds.* Ecclesiastical freeholds.

These 4 classes, then,

1. The 10*l.* freeholders,
2. The 20*l.* freeholders,
3. The 50*l.* freeholders,
4. The ecclesiastical freeholders,

were the subsisting classes of electors at the time of the passing of the reform act. We shall next, having premised so much, briefly, as to the previous history of the constituency, proceed to analyze the new and enlarged franchises now conferred; and afterwards, we shall revert to the consideration of the previous enactments either as restricting the franchise, or supplying classes of voters which the new law has not specified, and has left untouched.

The New Franchises for Counties at large.

By the 2, 3 *Will.* IV. *c.* 88. *s.* 1.] "Every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any estate, (of freehold, or of any other tenure whatever,) for the unexpired residue, whatever it may be, of any term Terms of 60 years.

originally created for a period of not less than *sixty years, whether determinable on a life or lives or not,* and having a beneficial interest therein of the clear yearly value of not less than *ten pounds*, over and above all rent and charges,

Terms of 14 years. " Or, for the unexpired residue whatever it may be, of any term originally created for a period of not less than *fourteen years, whether determinable on a life or lives or not,* and having a beneficial interest therein of the clear yearly value of not less than *twenty pounds* over and above all rent and charges,

Terms of 20 years. " Or, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than *twenty years,* and having a beneficial interest therein of the clear yearly value of not less than *ten pounds* over and above all rent and charges,

" Shall be entitled to vote in the election of a knight or knights of the shire for the county in which such lands or tenements shall respectively be situate; PROVIDED ALWAYS, that no person *being such lessee or assignee of such term of twenty years,* and *no person* being only a *sub-lessee* or the *assignee of any underlease,* shall have a right to vote in respect of any such term of *sixty* years, or *fourteen* years, or *twenty* years, as aforesaid, *unless he shall be in actual occupation of the premises.*"

The same section adds, that " any *renewal* or *new lease* of the same premises, for the *same rent,* and for a *term not less* than such original term, shall, for the purposes of this act, be deemed to be a continuation of the same qualification as aforesaid."

Copyholds. By the 2d section, *copyholders* for life or any larger estate, of the clear yearly value of *ten pounds* are in like manner entitled to vote.

Charges. By *s.* 10, no public or parliamentary *tax*, county, church, or parish *cess* or *rate*, or any cess or rate upon any townland, or division of any parish, barony, or half barony, shall be deemed a *charge* payable out of any estate or tenement within the meaning of this act."

Trusts and mortgages. By *s.* 47, no person is allowed to vote as *trustee* or

mortgagee, unless in actual receipt of the rents and profits; but the *cestui-que-trust* or *mortgagor*, in possession, may register and vote, notwithstanding such trust or mortgage.

By *s.* 64, every person entitled to two or more *freehold estates* or *interests*, the annual value whereof shall in the aggregate amount to £10, may register and vote as if said separate freeholds were one freehold, although no one of such freehold estates may be of such annual value of £10. Several freeholds.

And by *s.* 4, no person shall be entitled to vote in the election of *knights of the shire* in respect of his estate or interest in any *house*, *warehouse*, *counting-house*, or *shop* (*a*), occupied by himself, or any *land* occupied by himself *together with* any house, warehouse, counting or shop, such house, &c. being of such value as *would*, according to the provisions of the act, confer on him the right of voting *for any city, town, or borough*, whether he shall *or shall not* have actually *acquired* the right to vote for such city, town, or borough, in respect thereof. House and premises occupied in a city, town or borough.

This clause was directed against *double votes*, that is, against permitting the same party to vote for a county, and also for a city, town, or borough, in respect of the same property; but it will be observed that it only applies where the premises, (situate within a county at large, and also comprised within the limits of a city, town, or borough, as settled by the boundary act 2, 3 *Will.* IV *c.* 89,) consist of a *house*, &c. *occupied by the claimant;* and therefore if the property, so situate, consist of *land merely*, or if the interest, though in a house, &c., be not that of the *occupant*, the party's original right as an elector of the county at large remains unaffected by the terms of this clause; and he will *also* be entitled to his franchise for the place (city, town, or borough,) where property, such as he holds, will bestow the franchise. This will be found to apply to the city of *Dublin*, as to those parts of the county at large which lie within *the Circu-* Double votes.

(*a*) *See sections 5 and 7.*

lar-road; and to those boroughs, as *Dungarvan*, and *Mallow*, where the freeholders possess the franchise.

Clergymen shall not vote (*s.* 63,) unless registered as freeholders, under this act; but they and £50 freeholders may register (*s.* 46,) in the manner hereinafter mentioned.

Taking all the above clauses together, and the forms of oaths in the *Schedule C, Nos.* 4 to 7 with them, and recurring also, to the pre-existing franchises, the following enumeration of the different rights of voting may be made, classing them under the different annual values which confer the franchise.

I. *The Ten Pound Franchises.*

The 10*l.* occupation freehold franchise of land.

No. 1. The £10 *freehold* franchise, 10 *Geo.* IV. *c.* 8. *s.* 2. This includes estates in fee-simple, in fee-tail, for life or lives, and other like interests. The sum is of the currency of the United Kingdom. The annual value must be above all rent and charges, except taxes; 2, 3 *Will.* IV. *c.* 88, *Sched. C. No.* 6, and *s.* 10. The freehold must arise from a house, houses, or land, and not from a rent-charge; *Sched. C. No.* 6; 10 *Geo.* IV. *c.* 8, *Sched. VI.* and *s.* 30; 35 *Geo.* III. *Ir. c.* 29, *s.* 25. Also, by the same schedules, and the 35 *Geo.* III. *s.* 30, the party must be in actual occupation, by *residing* thereon, or by *tilling* or by *grazing*, or by both tilling and grazing. And by the same schedules, and the 35 *Geo.* III. *s.* 26, the freehold must not be let or agreed to be let to the persons who executed the deed or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him, her or them, nor intended so to be. Nor, must the party have agreed to let it for the term for which he holds it. Nor, by the same schedules, and the 35 *Geo.* III. *s.* 28, can he register if he have procured the freehold fraudulently, or in exchange for a freehold in any other county, city, or town. It is of no consequence whether such freeholder be the original lessee, or an underlessee, or the assignee of either; and the value may be made up of several freeholds; 2, 3 *Will.* IV. *c.* 88, *s.* 64.

The form of the 10*l.* freeholder's oath in *Sched.* VI. of the 10 *Geo.* IV. *c.* 8, contained the following clause at the end, "and that I do not hold my said freehold by virtue of any lease, deed or other instrument, executed or made after the 1st of *July*, 1823, to any person or persons *jointly*, in *common*, or in partnership." But the form in the 2, 3 *Will.* IV. *c.* 88, *Sched. C. No.* 6, contains no such clause. And hence arises the question, whether the franchise is any longer subject to such a provision. By the 4 *Geo.* IV. *c.* 36, (27th *June*, 1823,) it was enacted (*s.* 1,) that it should not be lawful to *register* any *freehold* under the yearly value of *twenty pounds* held by virtue of any lease, deed, or other instrument, given or executed to any person or persons jointly, in common, or in partnership, after the 1st day of *July* then next, or to *vote* for a member or members to serve in parliament for any place in *Ireland* by virtue of any such freehold; and (by *s.* 2.) it was directed that every person offering to register such freehold, should add to the oath, &c. the following words: "And that I do not hold my said freehold by virtue of any lease, deed, or other instrument, executed after the 1st day of *July*, 1823, given or executed to any person or persons jointly, in common, or in partnership;"—a form which the 10 *Geo.* IV. adopts, nearly *verbatim*, but which the 2, 3 *Will.* IV. omits altogether. And the question, then, is, whether that clause of the 2nd section of the 4 *Geo.* IV. be not, thus, suspended and virtually repealed, and, if so, whether the 1st section can be held to remain in force?

Joint-tenants and tenants in common.

The 2nd section contains a proviso that the act shall not extend to persons registering such freeholds under a lease or leases for lives *renewable for ever* pursuant to the 1 *Geo.* IV. *c.* 11; and the 3rd section imposes the penalties of perjury on persons swearing falsely in the addition to the oath.

There are two facts connected with the argument of this point, which deserve particular attention.

The one is, that the 4 *Geo.* IV. *c.* 55, (8th *July*,

1823,) which received the royal assent eleven days after *c.* 36, contains forms for the oaths of freeholders, in counties of cities and towns, without any such clause against joint-tenancy, or tenancy in common. Mr. *Reeves*, (*a*) observing that the subsequent act takes no notice of the other, adds, "but as all the acts of one session are supposed to be passed on the same day, and as the 4 *Geo.* IV. *c.* 55 contains nothing inconsistent with the provisions of this act, it is submitted that this act extends to counties of cities, and counties of towns." But the common law fictions, that a statute takes effect from the first day of the session, (*b*) and that the session is all one day in law, were intended to be put an end to by the 35 *Geo.* III. *G. B. c.* 13, and 35 *Geo.* III. *Ir. c.* 12, which require the day of the royal assent given to be affixed, make it part of the act, and enact that, unless otherwise provided, such date shall be its commencement; and, besides, if the latter part even of *the same* statute be repugnant to the former, it shall stand, and, so far as it is repugnant, be a repeal of the former part. (*c*) The question, therefore, must rest, simply, upon the inconsistency of the two provisions; and the recital of the 4 *Geo.* IV. *c.* 86, that "the practice of granting leases to persons, jointly, in common, or in partnership, still prevails *in some parts of Ireland*," ought to be attended to as indicating, that the legislature may not have intended a law of universal application.

The other fact I alluded to is, that the 10 *Geo.* IV. *c.* 8, *Sched.* IV. and *Sched.* VI. imposed this additional clause in the oath upon *all* freeholders in counties at large, registering freeholds not arising from a rent-charge, and upon this Mr. *Robinson* writes (*e*), "it has been decided upon this clause in the oath, considering it as a virtual repeal of the proviso in the 4 *Geo.* IV. *c.* 36, saving the rights of joint-tenants by lease of lives renewable for ever to register, that two or more tenants hold-

(*a*) *Reeves on Elect.* 32, *note* 45.
(*b*) *Bac. Abr. Stat.* (*C.*)
(*c*) *Fitzg.* 195.
(*c*) *Robins. on Reg.* 44, *note* (52.)

ing under a renewal of a lease of lives renewable executed *since* 1st *July*, 1823, cannot be admitted to register. There is a similar clause in the oath of the 50*l.* or 20*l.* freeholder, which prevents him from registering under similar circumstances though no enactments, similar to 4 *Geo.* IV. *c.* 36, existed as to them previous to 10 *Geo.* IV. *c.* 8. Persons, however, have been permitted to register as *cestui-que-trusts*, where the renewal under which they held their common interest, was granted to a trustee for them, though executed since *July*, 1823.—*Armagh, June*, 1829."

Now, if it was rightly held, that the introduction of the clause in the oath, took away the benefit of the saving clause in the 4 *Geo.* IV. *c.* 36, from tenants for lives renewable for ever, will it not follow that the general omission of the clause in the 2, 3 *Will.* IV. must have the effect of restoring the franchise, and that as well to those who were deprived of it by the 10 *Geo.* IV. as to those disfranchised by the 4 *Geo.* IV. *c.* 36?

There seems to be no ground whatever for contending that tenants for terms of years, or any save freeholders under the value of 20*l.* a-year, who do not hold for lives renewable for ever, are now subject to the provisions of the 4 *Geo.* IV. *c.* 36.

No. 2.—The 10*l.* franchise of a *term* not less than 20 years. The sum is of the currency of the United Kingdom: the value must be above all rent and charges except taxes. It must not arise from a rent-charge; 2, 3 *Will.* IV. *c.* 88, *Sched. C. No.* 7. The party must not have accepted or procured the leasehold fraudulently; or in exchange for any freehold or leasehold in any other county, city, or town; *Ibid.* The land may be either of freehold or of copyhold tenure; whether the claimant be the original lessee or an underlessee, or the assignee of either, he must be in actual occupation.—*s.* 1. It is not material that a part only of the term, less than 20 years, remains unexpired; it is enough if the term was originally created for a period not less than 20 years.

The 10*l.* occupation franchise of a term of 20 years. [And see No. 3, as to a term of 60 years, *determinable upon a life or lives*, in a sub-lessee or assignee of an underlease.]

The 10*l.* non-occupation franchise of a term of 60 years.

No, 3. The 10*l.* franchise of a *term* not less than 60 years in the lessee or assignee of the *original lease.* The currency is of the united kingdom. The value must be above all rent and charges, except taxes. It must not arise from a rent-charge, *Sched. C. No.* 7. The party must not have accepted or procured the leasehold fraudulently;—or in exchange for any freehold or leasehold in any other county, city or town; *Ibid.* The land may be either of freehold or copyhold tenure. It is immaterial whether the years be determinable on a life or lives, or not; *s.* 1. And actual occupation is not necessary. *Ibid.* A sub-lessee, or the assignee of any underlease for any term has no right to vote in respect thereof, unless he be in the actual occupation of the premises, *s.* 1, and such party, though his lease be over 60 years, may yet be classed under No. 2. It is enough if the term originally created was not less than 60 years, whatever part remains.

The 10*l.* copyhold franchise for life or in fee.

No. 4. The 10*l.* *copyhold* franchise for life or lives, or any greater estate. The value to be above all rents and charges, except taxes. There is no form of oath in the schedule expressly applicable to this case, and it may be questioned, whether any further qualification is imposed than is contained in *s.* 2, coupled with the general provisions of the act?

II. *The Twenty Pound Franchises.*

The 20*l.* non-occupation freehold franchise of lands, &c.

No. 5. The 20*l.* *freehold* franchise arising from *land, &c.* (and not arising from a rent-charge.) The sum is of the former currency of *Ireland.* The value must be above all rent and charges, except taxes. The freehold must not have been accepted or procured fraudulently; or in exchange for any freehold in any other county, city, town or borough, 2, 3 *Will.* IV. *c.* 88, *Sched. C. No.* 4, 35 *Geo.* III. *c.* 29, *s.* 28. Actual occupation is not necessary; 35 *Geo.* III. *c.* 29, *s.* 30; nor is it material whether the party is the original lessee, or an underlessee, or the assignee of either.

No. 6. The 20*l.* *freehold* franchise, arising from *rent charge*. The sum is of the former currency of *Ireland*. The value must be "*above all charges* payable out of the same;" the party must be in the *possession* thereof to the clear amount of £20 yearly, and entitled to receive the same as it becomes due, to and for his own sole use and benefit; and he must not have procured or accepted it fraudulently; or in exchange for a freehold in any other county, city, or town, 2, 3 *Will.* IV. *c.* 88, *Sched. C. No.* 5; 35 *Geo. Ir. c.* 29, *ss.* 25, 28.

The 20*l.* freehold franchise of rent-charge.

No. 7. The 20*l.* franchise of a *term* not less than 14 years. The sum is of the currency of the united kingdom. The value must be above all rent and charges, except taxes. It must not arise from a rent-charge; *Sched. C. No.* 7. The party must not have accepted or procured the leasehold fraudulently, or in exchange for any freehold or leasehold in any other county, city, or town; *Ibid.* It is immaterial whether the years be determinable on a life or lives, or not, *s.* 1; and the party, being a sub-lessee, or the assignee of any underlease, must be in actual occupation, *s.* 1. It is enough if the term originally created was not less than 14 years, whatever part remains.

The 20*l.* occupation franchise of a term of 14 years.

No. 8. The £20 franchise of a *term* not less than 14 years, in the lessee or assignee of the *original lease*. The sum is of the currency of the united kingdom. The value must be above all rent and charges, except taxes. It must not arise from a rent-charge; *Sched. C. No.* 7. The party must not have accepted or procured the leasehold fraudulently, or in exchange for any freehold or leasehold in any other county, city, or town. *Ibid.* It is immaterial whether the years be determinable on a life or lives, or not: *s.* 1. And actual occupation is not necessary: *Ibid.* Any part of the term remaining is sufficient.

The 20*l.* non-occupation franchise of a term of 14 years.

A sub-lessee, or the assignee of *any* underlease, for *any* term of years, has no right to vote in respect thereof, unless he be in the *actual occupation* of the premises; *s.* 1.

The parties claiming in any of the foregoing rights can register only at the first special sessions, or at the general quarterly sessions as directed by the reform act.

III. *The Fifty Pound Franchises.*

The 50*l.* non-occupation freehold franchise of lands, &c.

No. 9. The 50*l.* *freehold* franchise arising from *land*, &c. (and not arising from a rent charge).

The 50*l.* freehold franchise of rent charge.

No. 10. The 50*l.* *freehold* franchise arising from *rent charge.*

The sum is of the late currency of *Ireland*, and, with the difference in amount only, these franchises are the same as the 20*l.* freehold franchises (*Nos.* 5, and 6) above mentioned, except that a distinction is made in favour of the superior qualification in the particulars of *registry*, viz. that the claimants may register freeholds of this value upon oaths made in the superior courts of record in *Dublin*, or before a judge at the assizes; *s.* 46; 35 *Geo.* III. *Ir. c.* 29, *ss.* 36, 37; 10 *Geo.* IV. *c.* 8, *s.* 25.

IV. *The Ecclesiastical Franchise.*

The ecclesiastical freehold franchise.

No. 11. Clergymen must now register their freeholds, and they must register as freeholders *under this act*, 2, 3 *Will.* IV. *c.* 88, *s.* 63. It seems open to them to register in counties as 20*l.* freeholders, as in No. 5, and they are allowed to register in any of the modes permitted to the 50*l.* freeholders; *s.* 46.

If residence *in* their parishes, could be considered as a residing *on* their freeholds, they might, possibly, register as 10*l.* freeholders.

The privilege given to £50 freeholders and clergymen, by *s.* 46, to register their freeholds by taking the oath in the superior courts or at the assizes, and to receive their certificates thereupon at the quarter sessions, is subject to this question, viz. whether such freeholder does not thereby become entitled to vote immediately, or must await the expiration of a period of six calendar months? The 29th *section* states that every person registering *at the first session* shall be thereupon *forthwith* entitled

to vote; *and* that *any* person who shall at *any* time *after* such first session duly register his vote *according to the provisions of this act* shall be entitled to vote at any election to be held by virtue of any writ tested six calendar months at least after such registry. The 46th section declares, that the certificate obtained by the £50 freeholder or clergyman, upon his oath taken in the superior courts or at the assizes, shall be of equal *validity* with ANY certificate to be granted under this act, *and subject to the same provisions.*

These *last* words seem to control those immediately preceding, and, if so, such freeholders, are like all others subject to the restriction of *s.* 29. Indeed there seems no reason for giving a freeholder, making oath in this extraordinary way before a superior court or judge of assize, any advantage beyond what he should have if registered in the usual form. And there is an evident policy in the act to have a simple registry and uniform rules.

Besides, the older acts all required a period to elapse before the registered freeholder was entitled to vote; 35 *Geo.* III. *Ir. c.* 29, *ss.* 31, 36, 37, 39; 37 *Geo.* III. *Ir. c.* 47, *ss.* 2, 4; 4 *Geo.* IV. *c.* 55, *ss.* 22, 23, &c. The 10 *Geo.* IV. *c.* 8, *ss.* 24, 25, contained clauses very similar to the above sections, 29 and 46, of the reform act, and upon those Mr. *Robinson* observes (*a*), that, though there is no direct negative enactment, that such freeholders *shall not* be entitled to vote unless, &c., the affirmative words clearly imply that they shall not be otherwise entitled; and where affirmative words imply a negative, they shall so operate (*b*); and he draws in the subsisting negative enactment of the 35 *Geo.* III. *Ir. c.* 29, *s.* 31, as enforcing this construction. And a question having been raised, whether, where the oath is so made in a superior court or at the assizes, the six months should not be considered as commencing from that date, he answers, that, as the affidavit is, of itself, totally inoperative for the

(*a*) *Robins. on Reg.* 95, *Note.* (*b*) 1 *Plow.* 113.

purpose of conferring a qualification to vote, and can only do so when produced at the sessions, it is plain that its entry there, with the requisite formalities, constitutes the registry, from the date of which the computation must be made.

In the same manner these classes of electors are deprived by the reform act, *ss.* 31 and 63, of certain exclusive privileges they before enjoyed (35 *Geo.* III. *Ir. c.* 29, *ss.* 37, 40; 4 *Geo.* IV. *ss.* 23, 29,) of not being obliged to have registered within 8 years before the election, &c.

We now proceed to the consideration of the details of the franchises, and, in the first instance, of that franchise which existed in counties at large previously to the passing of the reform act, and which, as we have seen, is preserved by it, namely,

THE FREEHOLD FRANCHISE.

Of the Freehold Interest which Qualifies a Person to Register.

Freehold.

'Every one,' says *Littleton* (*a*), 'which hath an estate in any lands or tenements for the term of his own or another man's life, is called tenant of freehold, and none other of a lesser estate can have a freehold; but they of a greater estate have a freehold, for he in fee-simple hath a freehold; and tenant in tail hath a freehold.'

Fee-simple—is an estate to a man and his heirs for ever. (*b*)

Qualified-fee—is an estate to a man and his heirs, with a qualification annexed; as, to *A.* and his heirs, tenants of the manor of *D.*,—to A. and his heirs, kings of *Scotland*,—to A. and his heirs, as long as *B.* has heirs of his body,—to A. and his heirs until certain debts be paid. In all these and like cases, the estate ceases when the qualification upon which it is limited is determined; but,

(*a*) *Littl. s.* 57. (*b*) *Ibid. s.* 1.

until that is at an end, the proprietor has the same rights over his estate as if he were tenant in fee-simple. (*a*)

Fee-tail,—an estate to a man and certain of his heirs designated in the grant (*b*):—in tail *general*,—as to A. and the heirs of his body;—in tail *special*,—as to A. and the heirs of his body on *M.* his present wife begotten;—in tail *male* or *female* (general or special); as, if the heirs (in either of the above cases) be designated 'heirs male of the body,' or 'heirs female of the body' (*c*).

Estate tail after possibility of issue extinct,—as when tenements are given to a man and his wife and the heirs of their bodies, and one dies without such issue (*d*).

Estate for life,—whether for a man's own life, or the life of another,—or for the lives of several and the survivor of them, or for the *joint* lives of two or any number of persons. (*e*)

So (*f*) if a man grant an estate to a woman *dum sola fuit*,—or *durante viduitate*,—or *quamdiu se bene gesserit*,—or to a man and a woman during the coverture,—or as long as the grantee dwell in such a house,—or so long as he pay £10, &c.—or until the grantee be promoted to a benefice,—or for any like *uncertain* time,—in all these cases, if it be of lands or tenements, the lessee hath in judgment of law an estate for life determinable, &c.; and if it be of *rents*, advowsons, or any other thing that lies in grant, he hath a like estate for life, &c. If a man make a lease of a manor, that at the time of the lease made is worth 20*l.* *per annum*, to another until 100*l.* be paid, in this case, because the annual profits of the manor are uncertain, he hath an estate for life, &c. determinable upon the levying of the 100*l.* But if a man grant a rent of 20*l.* *per annum* until 100*l.* be paid, there he hath an estate for 5 years, for there it is certain. But if a man by his will devise his lands to his executors for payment of debts and until his debts be paid; in this case the executors

(*a*) 1 *Cruis. Dig.* 79.
(*b*) *Co. Littl.* 196.
(*c*) 1 *Cruis. Dig.* 85, 86.
(*d*) *Littl. s.* 35.
(*e*) *Downton*, 1 *Peckw.* 341; *Oakhampton*, *Ibid.* 360.
(*f*) *Co. Littl.* 42, *a.*

have but a chattel; for if they should have it for life, by their death their estate should cease, and the debts unpaid, contrary to the intent of the will; so note a diversity between a devise, and a conveyance at the common law. Tenants by *elegit*, &c. are said to hold UT *liberum tenementum* (*a*) until their debt be paid, yet they have no freehold, but a chattel which shall go to the executors; for the estate follows the nature of the debt.

No term for years of any duration will give a freehold, and if an estate is limited for 99 years, if J. S. so long live, although it is uncertain that J. S. will live, yet such an interest is an estate for years, for there is a period beyond which it cannot last. (*b*)

So a lease for life, and for years after, is a good lease, for life first, and then for years. (*c*) And they are separate estates, so that a person who has registered a freehold under such a tenure, may not be a freeholder at the time of the election, although the lease so registered may be still a subsisting one. (*d*)

That an interest for life derived under the lease of an outlaw is sufficient, was held, it is said, by the judges on consultation. (*e*)

Tenant seised *jure uxoris*—when a man marries a woman seised of any freehold estate, he becomes seised of the freehold in right of his wife, during the coverture; so if the estate vests in her after the marriage.

Tenant by the curtesy—"where a man taketh a wife seised in fee-simple, or in fee tail general, or seised as heir in special tail, and hath issue by the same wife, male or female, born alive, albeit the issue after dieth or liveth, yet, if the wife dies, the husband shall hold the land during his life." (*f*) The issue must be born in the lifetime of the wife (not by the Cæsarean operation after her death), but it is immaterial whether it be born before or after the seisin of the wife; or even if the issue die before the descent of lands on her. But the issue must be

(*a*) *Co. Littl.* 42, *b.*
(*b*) 1 *Cruis. Dig.* 8.
(*c*) *Shepp. Touchst.* 269.
(*d*) *O'Loghlen on Elect.* 3.
(*e*) *Robins. on Reg.* 19.
(*f*) *Littl. s.* 35.

capable of inheriting the estate; therefore if lands be given to a woman and the heirs *male* of her body, the birth of a *daughter* will not make the husband tenant by the curtesy. The wife, too, must be seised in possession at some time during the coverture; and therefore if the estate was let *for life* before marriage, and the wife dies before the lease is determined, the husband is not tenant by the curtesy (*a*); but an outstanding lease for years has not that effect.

Tenant in dower—"where a man is seised of certain lands and tenements in fee-simple, fee tail general, or as heir in special tail, and taketh a wife and dieth; the wife, after the decease of her husband, shall be endowed of a third part of such lands and tenements as were her husband's at any time during the coverture, to have and to hold to the same wife in severalty, by metes and bounds, for term of her life, whether she hath issue by her husband or no, and of what age soever the wife be, so that she be past the age of 9 years at the time of the death of her husband." (*b*) But her issue must be *capable* of inheriting; and if a man makes a lease *for life* before marriage, reserving rent, and then marries and dies, the wife shall not be endowed of the reversion, nor, it is said, of the rent. It may be forfeited by elopement with an adulterer. The widow does not acquire an estate of freehold until *assignment* of dower, for, till then, it is in the heir; and the assignment is by metes and bounds wherever the property is capable of being severed; but she may waive that right and have it assigned in common. (*c*)

Persons who married women entitled to dower, *not* assigned by metes and bounds, were held not entitled to vote (*d*); and the 20 *Geo.* III. *Eng. c.* 17, *s.* 12, was passed to entitle the second husband to vote in respect of such dower; but there is no such enactment for *Ireland.*

A freehold estate or interest must be of, or arise from

(*a*) *Co. Littl.* 29, 30; 1 *Cruis. Dig.* 161, *&c.*
(*b*) *Littl. s.* 36.
(*c*) *Co. Littl.* 32; 1 *Cruis. Dig.* 176—203.
(*d*) *Gloucester p.* 45.

lands of freehold tenure, and cannot arise from lands of copyhold tenure. (*a*) But tithes of copyhold lands were held to give a right to vote, and a vote for an allotment of common made to a copyhold estate has been allowed.

A freehold cannot be carved out of a term for years, no matter of what duration.

Therefore, if lessee for 999 years makes a demise by lease and release to A. for life or lives or for lives renewable for ever or the like, or grants him a rent-charge for life, &c. still the lessee or grantee has but a chattel interest.

And by the 45 *Geo.* III. *c.* 59, *s.* 8, if any person shall fraudulently grant an interest importing to be a freehold, which really is not so, with intent to enable any person to vote, such grant shall be good against the grantor for every purpose but enabling the grantee to vote; and (*s.* 9,) if the grantor be possessed only of a term of years, he shall forfeit 100*l.*

Although an estate be *subject to a condition*, yet it will suffice for a qualification, until entry for the condition broken. (*b*)

And therefore, though an *ejectment for non-payment of rent* be brought, the tenant may register and vote until evicted.

But if the condition be fraudulent or collusive, on purpose, or with intent to qualify a voter, such condition is void, and the estate absolute; and persons preparing, executing or voting under such conveyances forfeit 100*l.*—

Estates *belonging to corporations aggregate* do not entitle individual members of the corporation to register (*c*); and where, by appointment to an office or employment, a man becomes a member of a corporation aggregate, and the land or stipend he enjoys, by virtue of such appointment, forms part of the corporate estates, *being vested in*

(*a*) *Heyw. Count. Elect.* 69.
(*b*) *Co. Littl.* 156, *b*; 1 *Trials per Pais*, 180.
(*c*) *Gloucester*, 156; *Middlesex*, 2 *Peckw.* 113.

the body, it does not confer the elective franchise upon the individual member. (*a*)

But schoolmasters, parish clerks, curates, &c. if they enjoy freehold lands *by virtue of their offices*, (and their offices be for life, or *quamdiu se bene gesserint*,) are entitled to vote. (*b*) But lands, or the profit of lands, of the requisite value, enjoyed by *dissenting* ministers, in virtue of their respective appointments, which were general, were held not to confer freehold franchises, although in one case there was express evidence, that the congregation was understood to have no power of removal. (*c*)

And, generally, corporations *sole*, as parsons, vicars, &c. may vote for lands holden in their corporate capacity. (*d*)

But by statute, 8 *Geo.* I. *Ir. c.* 12, *s.* 10, no land granted as thereby for *glebe*, or *Protestant schools*, for the use of any rector, vicar, or other ecclesiastical person, or of any schoolmaster, shall make such person a freeholder (*e*).

So, by the 5 *Geo.* II. *Ir. c.* 4, *s.* 9, as to lands to be granted as thereby for the use of a resident *Protestant schoolmaster* to teach the English tongue. (*f*)

So, by the 23, 24 *Geo.* III. *Ir. c.* 49, *s.* 9, as to lands to be granted as thereby for a *master of a free school* or *sexton* of a parish. (*g*)

By the 30 *Geo.* III. *Ir. c.* 20, *s.* 10, no member of the *Royal Canal Company* or any person whatever, shall vote in right of any estate, &c. purchased or demised by the company. (*h*)

By the 33 *Geo.* III. *Ir. c.* 37, *s.* 4, and 37 *Geo.* III. *Ir. c.* 30. *s.* 183, no officer or other residing in any *light-house* or *watch-house* obtained by the king or the commissioners of the revenue, &c. shall have any right of voting thereby. (*i*)

(*a*) *Master of Westm. School*, 2 *Peckw.* 113.
(*b*) 2 *Lud.* 432; 2 *Peckw.* 88, 107.
(*c*) *Gloucester*, 176, 193; 2 *Lud.* 432; *and see Heyw. Co. Elect.* 114 *to* 133.
(*d*) *Heyw. Co. Elect.* 119, 123.
(*e*) *App. p.* 59, *No.* 37.
(*f*) *Ib. p.* 62, *No.* 40.
(*g*) *Ib. p.* 81, *No.* 60.
(*h*) *Ib. p* 82, *No.* 69.
(*i*) *Ib. pp.* 88, 122, *Nos.* 72, 80.

Of the Subject Matter out of which the Freehold Interest must arise.

Lands and tenements.

We have seen that in ancient times the elections were in the hands of the *socmen*, or suitors of the county court, that is, in the freeholders of the county generally. The election acts, limiting the franchise by various qualifications, use the words "lands or *tenements*." The word tenement, in its vulgar acceptation, is usually applied to houses and other buildings, "yet in its original, proper, and legal sense, it signifies every thing that may be *holden*, provided it be of a permanent nature; whether it be of a substantial and sensible, or of an unsubstantial and ideal kind." (*a*) But there are many things falling within that wide description which are not considered capable of conferring the elective franchise. And these rules of exclusion appear to be founded on two grounds:

1st, that the 'tenement' was not of such a description as could at the common law have conferred the right or imposed the duty of a suitor to the county court. The rule is sometimes stated to be "that the interest must arise, either immediately, or remotely from the soil." (*b*)

2ndly, the incapability of the tenement to yield an annual profit, so as to bring the holder within the acts imposing the qualification in respect of the value.

Dalton, in his 'Office of Sheriff' (*c*), lays down the following rules respecting the construction of the words "*lands* or *tenements*" in the statute of *Hen.* VI., referring to the positions in *Co. Littl.* (see 156, 157, 272,) with respect to the statute, 2 *Hen.* V. *c.* 3, which requires jurors to have lands or tenements of the yearly value of 40*s.*

"He that hath no other freehold (or inheritance) but *advowsons* of churches, though they be of the value of 40*s.* (or 40*l.*) by the year, yet thereby he hath no such sufficiency, nor such freehold or tenement as that thereby he may be a chooser of the knights of the parliament, &c.

"He which hath no other freehold than *common of*

(*a*) 2 *Bla. Comm.* 17.
(*b*) *Robins. on Reg.* 21.
(*c*) *p.* 333.

pasture, though that be to the value of 40*s*. *per ann*. yet he may be no chooser; but he which hath a freehold house or lands of the yearly value of 30*s*., and, besides, hath thereto belonging a common of pasture *appendant*, to the yearly value of 20*s*. he may be a chooser, &c.

"Otherwise it is, if his house be a new erected tenement, or erected within time of memory: for that common appendant must be by prescription; and therefore except such house be of the yearly value of 40*s*. besides the common, it enableth him not.

"If a man hath a *free warren* of coneys, the which, *communibus annis*, is worth 40*s*. *per annum*, this is sufficient freehold, &c.

"If a man maketh 40*s*. by the year, *communibus annis*, of his *wood-sales*, *coal-mines*, *tithes-impropriate*, or the like, being his freehold, these are sufficient, &c.

"If a man hath 40*s*. *rent per annum*, or an annuity of 40*s*. *per annum* issuing out of *lands*, during his life, this is sufficient."

Incorporeal tenements.

Tenements are divided into incorporeal, and corporeal. *Blackstone* enumerates ten sorts of incorporeal tenements. (*a*)

1. Advowsons—These do not give a right of voting; clearly they cannot yield an annual profit. (*b*)

Tithes.

2. Tithes—on the contrary, will;—in the hands of an incumbent clergyman as the fruits of his benefice;—in the hands of an impropriator as his property. Tithes of copyhold lands, even, have been held to give a right to vote. (*c*)

Commons.

3. Commons—These are of various kinds. Common of pasture, or a right of feeding beasts on another's land. Common of piscary, or a right of fishing in another man's waters. Common of turbary, or a right of digging turf upon another's ground. Common of digging for coals, minerals, stones, and the like, in another man's grounds. Common of estovers, or a right of taking necessary wood for a house or farm from off another's estate. (*d*) This term

(*a*) 1 *Bla. Comm.* 21, *&c.*
(*b*) *Giff. on Elect.* 53.
(*c*) *Heyw. Co. Elect.* 62, 63.
(*d*) 2 *Bla. Comm.* 32, 36. *But see* 31 *Geo.* III. *Ir. c.* 40.

'common' is used when the right is not *exclusive*. (*a*) The right may either be appendant or appurtenant to *land*,—in which case its value is, properly, to be included with that of the land,—or it may be in gross or at large, annexed to a man's *person*. Common can be appendant or appurtenant only by immemorial prescription; and all common created by deed is common *in gross*. Hence *Dalton's* distinction; for, in the case he puts, the newly erected house, is one freehold, and the common is another; and it was not then permitted to combine the values of two separate freeholds to make up the required annual value. But now, by the *Irish* reform act, (*s.* 64,) the amount of a 10*l.* freehold may be made up of the aggregate of two or more freehold estates or *interests* in the county; and consequently, of an interest in land and right of common, even in gross, unless the incorporeal nature of the right of common excludes it; of which *quære*, for it is an occupation by "grazing" in its nature. "The claim of a person to register was rejected, upon the ground, that part of the value of his freehold, which he swore to, arose from a right of turbary which he enjoyed as appurtenant to his farm, but not actually demised to him by his lease; *Monaghan, June*, 1829." (*b*) This must be wrong: for it is the prescriptive right, and not that by deed, which would have given the franchise.

4. Ways—The right of way is a mere easement, which can only be considered as rendering the premises to which it is attached, possibly, more valuable. Water-courses, (not mentioned by *Blackstone*,) and other similar easements may probably be viewed in the same light.

Offices.

5. Offices—Persons holding offices (*c*) in fee, or for life, whether they concern land or not, may be said to have a freehold therein: but the elective franchise does not necessarily follow. At the end of the 17th and early in the 18th century, the general right seems to have been insisted on, and, after the 18 *Geo.* II., to have been exer-

(*a*) *Bla. Comm.* 33, 40.
(*b*) *Robins. on Reg.* 22.
(*c*) *See Humphryes* v. *Paget*, 1 *Kebl.* 689.

cised where the officer was assessed to the land tax. (*a*) But the committee which sat upon the election for *Middlesex*, in 1804, after a long discussion and much argument, laid down the general principle, that the holder of an office for life, "not having a freehold interest in *house* or *land* in right of his office, had no right to vote." This rule, adopted on the common law principle of tenures, &c. has since been universally acted upon.

Thus the clerk of the peace was held a bad vote though he was assessed for his office, and held a chamber for his residence in the sessions house. (*b*) So the vote of a master in chancery was rejected (*c*); and the vote of one of the 60 clerks of the court of chancery, though a seat was attached to his office; for all his emoluments arose from fees paid by his employers. (*d*) So the sub-register of the court, who had a house attached, but only for the business of his office. (*e*) A clerk of the petty-bag office had let a building, adjacent to his office, formerly used as part of it, for 24 guineas *per annum*; but it was agreed that this was a perversion of the purpose for which the building was allotted, which was the accommodation of the public, not the emolument of the officer, and his vote was rejected. (*f*)

An organist of a parish in *Middlesex*, appointed, by minutes of vestry, for life, had an annuity secured upon lands in *Surrey*; it was contended that the office, exercised in *Middlesex*, gave the right to vote, but the committee determined the vote to be had. (*g*)

A sexton proved his election by the proceedings at vestry, but it does not appear he had been elected for life, and the committee rejected the vote. (*h*) And see the cases on this point before cited. (*i*)

A parish clerk, it appeared, was appointed by the parson, generally; the bishops of the diocese confirmed the appointment by license, "during our pleasure and no

(*a*) *Heyw. Co. Elect.* 66.
(*b*) 2 *Peckw.* 92.
(*c*) *Ibid.* 93.
(*d*) *Ibid.* 99.
(*e*) *Ibid.* 100.
(*f*) *Ibid.* 100.
(*g*) *Ibid.* 91.
(*h*) *Ibid.* 91.
(*i*) *Ante*, *p.* 67.

longer." It was argued that the license was not necessary (*a*); that a general appointment is for life; that a *mandamus* has been granted to restore a parish clerk (*b*) and "at common law a parish-clerk is for life, without deed." (*c*) The Committee decided that the vote was good. (*d*)

The following were among the votes struck off:

King's coroner & attorney, K. B.
Clerk in Court K.B.
Clerk of the Treasury, K.B.
Secondary in K.B.
Cursitor,
Filacer,
Attorney of the Pipe,
Usher in C.P. and Exch.
Sealer in Chancery,
Deputy Chirographer,
Clerk of King's silver,
King's Remembrancer,
Clerk of the Juries,
High Bailiff of *Westminster*,
Official of the Archdeaconry,
Steward of the Dean and Chapter,
Register of Fines,
Lay Vicar,
Abbey Brewer and Butler,
Bell-ringer to the Abbey,
Gardener, Receiver, Cook and Organ-blower,
Chorister,
Alms-man,
Abbey Sacrist. (*e*)

All ecclesiastical benefices are clearly such offices as give a right to vote, such as rectories, vicarages, and perpetual curacies.

The rectory of the church of *St. Andrew*, *Dublin*, belonged to the precentor of the cathedral of *St. Patrick's*, and by the 17, 18 *Car.* II. *Ir. c.* 7, (which provided for the ministers and incumbents having actual cure of souls in each parish in the city and suburbs of *Dublin*, and the liberties thereunto adjoining, and in other cities and towns corporate, an annual charge on each house to be received by the churchwardens, and paid by them to the incumbents,) it was enacted (*s.* 3), that the church of the parish of *St. Andrew* (to which a tract of ground was added)

(*a*) *Peake* v. *Bourne*, 2 *Stra.* 942.
(*b*) *See Rex* v. *Warren*, *Cowp.* 371. *Burns. Eccl. Law, tit. Parish Clerk. Rex* v. *Gaskin*, 8 *Durnf. & E.* 209; 1 *P. Will.* 29; 2 *Gibs. Cod.* 198 *Canon*, 137.
(*c*) *Rex* v. *Gatton*, 2 *Salk.* 536. *Reg.* v. *Wall*; 11 *Mod.* 261. 1
(*d*) 2 *Peckw.* 92, *and ibid* 88.
(*e*) *Ibid.* 101, 102.

should be *presentative as a vicarage* by the archbishop of *Dublin*, and other officers named, and (by *s.* 6,) the precentor of *St. Patrick's, Dublin*, and his successors, "*shall be rector or rectors of the said parish*," and have the yearly sum of 10*l.* appropriated to them to be paid by the vicar or incumbent; upon this the vicar's vote was objected to, and it was contended (*a*), that he had no freehold, the freehold being vested in the rector; but the vote was allowed.

The whole argument against the vote was grounded on an evident fallacy, for the freehold in the rector does not exclude that in the vicar, who has an independent freehold in his office.

See the 6 *Ann. Ir. c.* 21, as to the vicarage of *St. Mark's*, the curacies of *St. Nicholas-without-the Walls*, and *St. Luke's*, and the vicarages of *St. Katherine's* and *St. James's*.

Dissenting Ministers, we have seen (*b*), do not enjoy the franchise, even by reason of lands enjoyed by them in virtue of their appointments, and the authorities to that point prove, *a fortiori*, that their offices do not confer the right.

6. Dignities.—These bear a near relation to offices; but cannot confer the elective right.

7. Franchises.—The definition is, a royal privilege, or branch of the king's prerogative, subsisting in a subject. (*c*) The kinds of them are various and almost infinite. The rule, as to the elective right, may be presumed to be similar to that respecting offices.

Free-warren is a franchise, and, according to *Dalton*, will give the right. (*d*) It consists in the exclusive right reserved of killing beasts and fowls of warren: Free-warren.

(*a*) *Abbott's Questions on the Elections for the City of Dublin, in* 1831, *p.* 50.
(*b*) *Ante p.* 67.
(*c*) 2 *Bla. Comm.* 37.
(*d*) *Ante p.* 69.

beasts,—as hares, conies, roes; fowls,—*compestres*, as partridges, rails, and quails, [but not grouse (*a*);] *sylvestres*, as wookcocks, pheasants; *aquatiles*, as mallards, herons. (*b*)

Fisheries.

Free-fishery—an exclusive right of fishing in a *public* river.

A *several fishery*, is an exclusive right of fishery in a river not navigable. It differs obviously both from *free fishery*, and *common of fishery*, and is an incorporeal tenement not falling within any of *Blackstone's* subdivisions. He says, indeed, that "he that has a several fishery must also be the owner of the soil." (*c*) But this seems clearly to be a mistake. (*d*)

It appears by the minutes of the *Roscommon* election committee, A. D. 1777, that several persons voted in right of eel-weirs in the *Shannon*, and Lord *Clare*, then at the bar, employed against the candidate for whom they voted, did not question the right. (*e*)

Tolls.

"To have a fair or market; with the right of taking *toll*, either there or at any other public places, as at bridges, wharfs, [ferries,] and the like; which tolls must have a reasonable cause of commencement, (as, in consideration of repairs or the like,) else the franchise is illegal and void." (*f*) T. F. A. voted in *Middlesex* as a freeholder for shares of a bridge, the tolls of which were collected in *Middlesex*. The bridge was built under an act, 12 *Geo.* I. *c.* 36. The vote was objected to, because, by *s.* 32, actions respecting the bridge, &c. were directed to be brought in *Surry*. The committee allowed the vote. (*g*)

Duties in a market, are—*toll*, which is a reasonable sum payable to the lord of the market for things sold there which are tollable (*h*); *stallage*, for the liberty of having stalls; *picage*, for liberty to pick holes for posts for the stalls. (*i*) Toll *turn* may be payable for cattle or goods

(*a*) *Duke of Devonshire* v. *Lodge*, 7 *Barn. & C.* 36.
(*b*) *Co. Littl.* 233, *a.*
(*c*) 2 *Bla. Comm.* 39.
(*d*) *Co. Littl.* 122, *a*, & *Hargr. note* 7, *Ibid.*
(*e*) *Giff. on Elect.* 51.
(*f*) 2 *Bla. Com.* 38.
(*g*) 2 *Peckw.* 105
(*h*) *Hargr. Co. Littl.* 122, *a note* (*b*).
(*i*) *Com. Dig. Market, F.* 1.
(*k*) *Ibid. F.* 2.

in their return from a fair or market (*a*); toll *thorough*, a sum for a passage through a highway, over a ferry, bridge, &c., or for goods which pass by a port in a river, &c. (*b*) Toll *traverse* is a sum for a passage over the private soil of another. (*c*)

There are many other *exclusive* rights, such as of *several* pasture, mines, quarries, turbaries, wood-sales, &c. which, although of an incorporeal nature, and not included in *Blackstone's* enumeration, will yet confer the franchise. (*d*)

But as such freeholds do not admit of occupation by residence, tilling, or grazing, they will not now qualify to vote unless of the value of 20*l*., &c. (*e*)

8, 9, 10. Corodies or pensions,—annuities—and *rents* are the remaining species of incorporeal hereditaments enumerated by *Blackstone;*—of which, corodies are charged upon the person of the owner of some inheritance in respect of his estate therein; and annuities are properly so called when they are chargeable only on the person of the grantor. These, therefore, do not confer any franchise. Rents are divided into three kinds. Rent-service is but an incident to some reversionary estate in land, and that reversion is the proper foundation in respect of which the owner is entitled to his franchise. Rent-*charge* is when the owner has no future interest or reversion expectant in the land, and where a clause of distress is added, *charging* the land with a distress for the payment of it. Rent-*seck* is where the deed creating such freehold does not contain a clause of distress. (*f*) Now, by the 11 *Ann. Ir. c.* 2, *s.* 7, like remedy by distress and by impounding and selling is given in cases of rent seck, rents of assize and chief rents, as in cases of rent-charges; and by the 4 *Geo.* II. *Eng. c.* 28, *s.* 5, as in case of rent reserved upon lease. This may be said to

Rent-charge.

Rent-seck.

(*a*) *Com. Dig. Toll. B.*
(*b*) *Ibid. C.*
(*c*) *Ibid. D.*
(*d*) *Ante, p.* 67.
(*e*) *Giff. on Elect.* 51, 53.
(*f*) 2 *Bla. Comm.* 41, 42.

reduce rents-seck to one of the other classes; if not, *quære*, for the term does not occur in the election acts.

It has been the practice at elections to reject the votes of freeholders who ought to have registered as owners of rents-charge, but claimed in respect of land, and *e converso;* and it is therefore important, although sometimes not easy, to determine to what class a particular claim ought to be referred.

A rent-charge may arise in two ways; the one by direct *grant* of a rent, without the land, by the owner of the land to a stranger; the other in the form of *reservation*, as when the owner grants his *whole* interest in the land, reserving a rent to himself. If a man grant in fee-simple reserving a rent, this is commonly called a fee-farm rent; i. e. a perpetual farm or rent. (*a*)

In ancient times one tenant in fee-simple could grant to another in fee-simple reserving a rent which would be a rent-service. This process of subinfeudation was repressed by the statute of *Quia Emptores Terrarum* first in force in *Ireland*, A. D. 1468. (*b*) But the king is not within that statute. (*c*) There is a doubt, also, whether, by assent of all the lords mediate and immediate, the statute may not be dispensed with. (*d*) But putting that aside, it may be said, that unless the grant was made before 1468, or since then by the king, the fee-farm rent is a rent-charge. (*e*)

Mr. *Robinson* says, (*f*) "in practice, the course has "usually been to register fee-farm and *reserved* rents, as "freeholds, and not as rent-charges; and this practice is "in accordance with the view taken of the nature of "such interests, by the committee on the *Gloucester* "case, p. 41, where it was held that *reserved* or fee-farm "rents need not be registered under the 3 *Geo.* III. "*c.* 24, *Eng.* which requires annuities and *rent-charges*

(*a*) *See Hargr. Co. Littl.* 143, *b. note* (5). *Dougl.* 627, *n.* (1.)
(*b*) *Huds. Land. & Ten.* 345.
(*c*) *Ibid.*
(*d*) *Ibid.* 345-348.
(*e*) *Littl. s.* 217, *Brown* d. *Bond* v. *Trustees. of Dr. Sterne's Charities, Batty*, 87, *note* (*a*).
(*f*) *Robins. on Reg.* 46.

" to be registered, in the mode therein prescribed; and " by stat. 15, 16 *Geo.* III. *c.* 16, *s.* 6, *Ir.* (which regu- " lated the voting of rent-chargers,) it was declared, that " no fee-farm rent should be considered as a rent-charge " within the meaning of that act: this act, though re- " pealed, may be considered as a *legislative opinion* on " the subject, and having formed part of the election " code, may be referred to as showing, that, for the pur- " poses of the elective franchise, fee-farm rents have been " considered as freeholds."

However, it is conceived, if a modern fee-farm rent, created by a subject, be in question, it is much safer to treat it as a rent-charge; especially as fee-farm is an equivocal word: Mr. *Hargrave*, in the place already quoted, conceiving the term not properly applicable, except in the case of *rents-service;* and it being very possible that such only were contemplated in the passages of the acts referred to.

Where a person, seised for a life or lives only, makes a lease for the same life or lives, reserving a rent, the question has long been litigated, and much discussed, whether the deed operates as a lease or an assignment, and whether the rent is a rent-service or rent-charge. (*a*) It is now finally, (but after a meagre argument in the House of Lords which does not admit it to be said, satisfactorily) settled, that such rent is a rent-charge. (*b*) So, if tenant for years, make a lease for all those years or more, it is an assignment, and the rent is not rent-service. (*c*)

But if a person seised of an estate for his own life, or any life or lives, demise to another for a different life or lives, he has a reversion, and the rent reserved is a rent-service, and not a rent-charge. (*d*)

(*a*) *See Pluck* v. *Digges*. 2 *Hud. & B.* 1, *and Ibid*, 41, *note* (*a*) *Huds. Land. & Ten.* 358, *&c.*

(*b*) *Pluck* v. *Digges*, 2 *Dow. & C.* 183.

(*c*) *Rankin* v. *Newsam*, 1 *Huds. & B.* 72.

(*d*) *Co. Littl.* 4. *b; Hughes* v. *Howlin*, 1 *Fox & S.* 14. See also, *Huds. Landl. & Ten.* 342 to 369, where the various cases that may arise are considered separately.

By deed or will, &c.

The 35 *Geo.* III. *Ir.* c. 29, *s.* 34, gave a form of qualification oath for registering a rent-charge in which were the words "granted by *deed* bearing date," &c., and it being apprehended that this had the effect of excluding rents charge, granted by will, &c. it was enacted by the 37 *Geo.* III. *c.* 47, *s.* 16, that, in case the rent-charge had not been granted by deed, the particulars of the title might be inserted in the room of those words. The 10 *Geo.* IV. *c.* 8, *Sched.* V. gave a form, like the old one, only mentioning "deed," upon which the claims of applicants to register under wills, &c., were, by some, rejected. The grounds of such rejection have been very fully confuted by Mr. *Robinson;* (*a*) but as the Reform Act, *Sched. C. No.* 5, uses the words "granted by deed *or other instrument*," &c., it is sufficient here to refer to his observations.

Land.

Tenements corporeal are comprehended under the general denomination of "land," which comprises any ground, soil or earth whatsoever, as arable, meadows, pastures, woods, moors, marshes, furzes, heath, and even *waters:* castles, houses, buildings, and every thing over and under the surface. (*b*)

As any kind of soil, so may any quantity constitute a freehold. J. M. was possessed of a wind-mill standing in a common field, upon a plot of grass-ground large enough to clear the sway of the wings, enclosed within a fence put up by himself. It was fixed on a post, upon pattens, in a foundation of brick-work. He was presumed to have a right to the soil on which his mill stood, and his vote held good. (*c*)

A person who had a small plot of ground near the fair-green of *Ballinasloe* of which he made no profit whatever but by hiring it as a standing for cattle at the fairs, was allowed by the *Roscommon* committee to possess a sufficient estate of freehold. (*d*)

(*a*) *Robins. on Reg.* 47, 48.
(*b*) 2 *Bla. Comm.* 17, 18.
(*c*) *Bedfordshire*, 2 *Lud.* 440.
(*d*) *Giff. on Elect.* 54.

Legal and Equitable Estates.

The common law considered nothing but the legal estate. Trusts were unknown to it; and if a trust were created, the trustee in whom it was vested was alone considered as the owner. But the statutes which required a qualification in value, at once excluded the mere trustee from the franchise, for he has no pecuniary interest; and when trusts began to be extensively created, it became desirable that the equitable owner of the estate should enjoy the right of election. (*a*) Many statutes (*b*) have contained clauses for the purpose of conveying it. The reform act, more than any other, appears to look to the "beneficial interest," (*c*) and even mentions a seisin "in equity," (*d*) and contains the clause above referred to nearly in the usual terms; *s.* 47.

Mortgagor and Mortgagee.

By this clause, the mortgagor, being *in possession*, is entitled to register and vote. (*e*) But if the mortgagee be *in actual receipt of the rents and profits*, he may register and vote. So it is in the cases of trustee and *cestui-que-trust;* but the rights of such parties appear under various modifications.

Trustee and *cestui-que-trust.*

Vendor and Vendee.

It frequently occurs, that cases within the operation of these clauses arise out of contracts for the sale of estates, the vendee being let into possession before the conveyance is executed. And in such cases the question must be, whether the contract is of such a nature, that a Court of Equity would compel a specific performance; if it be, the vendor is in the situation of trustee for the vendee, who is the *cestui-que-trust* in possession of an equitable freehold.

In the two following cases before the *Gloucestershire* Committee, the question appears to have turned upon

(*a*) See *Heyw. Co. Elect.* 104, 5.—See also, *Giff. on Elect.* 60, who refers to the *Athboy* case, *Minutes, Dublin Castle*, as a decision that a mortgagor in possession, could, before the statute, create freehold leases; also, to 3 *Bac. Abr.* 635, and 1 *Vern.* 45.

(*b*) 7, 8 *Will. III. Eng. c.* 25, *s.* 7, *&c.* 35 *Geo. III. Ir. c.* 29. *s.* 27, *&c.*

(*c*) See *s.* 1.

(*d*) *s.* 2.

(*e*) *See Onslow* v. *Raplcy, Heyw. Bor. Elect.* 340; *Heyw. Co. Elect.* 105.

this point, though the objection was taken to the voter upon the year's possession.

In one the purchaser was put into possession of the land more than two years before the election, but no conveyance was executed till *within a year* before. His vote was not received. (*a*) In the other the purchaser was put into possession under articles of sale more than a year before the election, but the purchase money was not paid, nor the purchase completed till within the year. The committee held the vendor entitled to vote, and not the purchaser in possession (*b*); though it was in this case admitted in argument, that the vendee had an equitable estate, but insisted that an equitable estate gave no right of voting.

Upon these cases Serjeant *Heywood* observes, that there appears in neither of them to have been any agreement, that the purchaser in possession should take *the rents and profits to his own use;* for if there had, the determination in both would probably have been different. And several cases have since been decided on the *Middlesex* election in strict conformity with this opinion. (*c*) And although in these cases also, the objection to the voter arose upon the want of a year's possession, yet they are noticed here, because the question in each must have turned upon the nature of an equitable freehold, and the title of the vendee in possession to such an estate. The voters contracted for the purchases of their respective estates more than a year before the election, they had been *in possession of the rents and profits since that time,* but no conveyance had been executed till within a year of the election; the votes were held good. (*c*) So where the rent had been paid to the voter, by the direction of the former owner, for a much longer period than a year before the election, but the conveyance had not been executed till within the year. (*d*)

In the following case, neither of the parties to the

(*a*) *Gloucester*, 163.
(*b*) *Ibid.* 82.
(*c*) 2 *Peckw.* 106.
(*d*) *Ibid.*

contract could have voted for the land in question, the vendee from the want of possession, the vendor because he had bound himself to complete the sale before the election, and stood, therefore, as trustee for the vendee. The voter agreed for the sale of his freehold from Lady-day before the election; but, having promised his vote, refused to execute the conveyance till after, when it was executed as from the Lady-day; his vote was disallowed. (*a*)

But where the delay in executing the conveyance until after the election, arose from the negligence of the vendee, and the vendor, at the time of the election, was in possession of part of the premises, his vote was allowed. (*b*)

Who is *cestui-que-trust.*

It may happen, that the question as to who is entitled to vote depends, not upon which of two persons is the trustee and which the *cestui-que-trust*, but upon which of two persons is the *cestui-que-trust*, the legal estate being clearly in neither of them. As where a father devised his estate to trustees to pay 6*s.* a week to *John*, his eldest son, and the remainder to the second son, *Thomas*, who was to be put into immediate possession by the trustees, on giving security to pay the 6*s.* a week. He had not given security, nor had the trustees put him into possession. The committee held that the second son, *Thomas*, had no such interest in the premises as entitled him to vote, but that *John*, the elder brother, had a right to vote in respect of the premises devised to the trustees. (*c*)

An estate being devised for life, remainder to trustees to pay debts and legacies, and the surplus to be divided amongst A. B. and C.; the tenant for life died; the estate had not been sold; it was objected, that the remainder men took only an interest in a personal estate; it was answered, they took an equitable interest in the freehold immediately upon the death of the tenant for

(*a*) 2 *Lud.* 427, 428.
(*b*) *Middx.* 2 *Peckw.* 107.
(*c*) *Gloucester*, 130, 131. *Heyw. Co. Elect.* 107.

life, and it was incumbent on those who impeached the vote, to show that the land had been sold, and converted into money. The vote was holden good. (*a*)

Where the devisee of an estate charged with an annuity agreed, by parol, to give up the estate in satisfaction of the annuity, and had put the annuitant into possession; it was held the annuitant had a right to vote.(*b*) So where a devisee, in trust to pay legacies, refused to take the land subject to the trust, and the legatees, with his consent, took possession of certain parcels in satisfaction of their legacies; one of the legatees had been in possession of his freehold in this way for five years, and his vote was allowed. (*c*)

But a mere authority to receive the rents, unconnected with interest in the land, gives no right. Where a purchaser, at the time of the sale, executed a bond to permit the vendor to receive the rents and profits for life, the vendor's vote was rejected. (*d*)

Where an estate was devised to a man who had never received rent for it, but the rent had been paid to a person from whom the tenant received possession shortly before the election, the devisee was allowed to vote, for it was presumed that the person who received the rent was only tenant to the devisee. (*e*)

One seised of the freehold may so have devested himself of all control over the rents and profits of the estate as to have lost the franchise. As where a man, before marriage, by deed between himself, his intended wife, and R. V., covenanted not to intermeddle with the rents and profits of her estate, which were to be received by R. V. for the wife's use, and she was to have the sole disposition by devise, or otherwise, he joining in all necessary acts; his vote was rejected. (*f*)

Expired lease containing covenants for renewal.

It seems that a tenant by lease of lives renewable for ever, after the death of all the lives named in the original

(*a*) 2 *Peckw.* 106.
(*b*) 2 *Lud.* 440.
(*c*) *Ib.* 424.
(*d*) *Gloucester*, 183, 184.
(*e*) 2 *Lud.* 431.
(*f*) *Bedfordshire*, 2 *Lud.* 422.

lease, or in any renewal of it, has, after the nomination of a new life or lives, and payment of his fines, such an equitable title as will entitle him to register, and the point was so decided at the *Armagh* election, 1826. (*a*) And so, it seems, in case of any lease, with covenant for renewal, if the terms of renewal be performed, though the interest granted has expired.

Equitable article, &c.

In the same way any agreement for a lease, &c. may form a sufficient foundation to enable the party to register, by giving him an equitable interest to the extent of the estate agreed for.

Currency.

The act, 6 *Geo.* IV. *c.* 79, for the assimilation of the currency and moneys of account throughout the United Kingdom, took effect from the 5th *January*, 1826; and unquestionably the 10*l.* freehold franchise created by the 10 *Geo.* IV. and all the new franchises in the 2, 3 *Will.* IV. are in the currency of the United Kingdom.

But the question arises as to all the pre-existing franchises whether an annual value of the given amount in the former currency of *Ireland* will constitute a sufficient qualification? The 6 *Geo.* IV. *c.* 79. *s.* 4, enacted, that nothing therein contained should be deemed or held in any manner to affect or take away any *franchise*, right, benefit, privilege or advantage, resulting from the possession of any lands, tenements, rents or property of the value mentioned in any act or acts of parliament. The distinction is not taken any where in the reform act, and it imposes new oaths in which the words "of the value of twenty pounds," and similar expressions, occur. Statutes, like other instruments, speak in general from the time of their own date; and must now be understood as speaking of the currency of the United Kingdom unless the contrary appears. But where they are conversant

(*a*) *See Giff. on Elect.* 60, *&c. and Robins. on Reg.* 24; *and see* 19, 20 *Geo.* III. *Ir. c.* 30. 1 *Ridg. P. C.* 412, 501; 1 *Schoa. & L.* 454. 1 *Ball & B.* 372. 1 *Bligh*, 137; *and* 2 *Huds. & B.* 307, *note* (*a*).

about matters which preceded the change of the currency the contrary inference is to be drawn. Thus, where a *scire facias*, in 1827, stated a judgment of 1825 for a certain amount of costs, generally, without saying of the former currency, &c. a judgment in the same terms was held to prove the averment, as the *scire facias*, in stating a judgment of 1825, was to be understood as speaking of the then existing currency of *Ireland*. (*a*) Added to this we have the express provision of *s.* 3, that the act shall not *in any manner* affect the former rights of voting. The 22d section, also, entitles those before registered to be admitted, without oath, &c. in certain cases, and it could scarcely have been intended to split each of the former franchises into two classes, one in each currency. Besides, this is an act "to *extend* the elective franchise." The 10 *Geo.* IV. recited the expediency of *increasing* the amount of the qualification necessary to entitle persons to vote at elections for members to serve in parliament for counties in *Ireland*, and this, as to *rent-charges* of 20*l.* was, it seems, construed liberally in the sense which would best extend the franchise (*b*); but indeed it is manifest that *all* the 20*l.* and 50*l.* franchises, there spoken of, are to be so understood, the 2d section of that act having used the phrase "any estate of freehold of less annual value than 20*l. of the late currency of Ireland*," an expression which has not generally been adverted to; and then on the principle that all statutes *in pari materiâ* are to be construed as one law (*c*), the conclusion appears almost irresistible that all the former franchises (Nos. 5, 6, 9, 10, 11,) remain unvaried, and mean amounts of the former currency of *Ireland*.

Value.

The *Bedfordshire* committee decided (*d*), that "the value of a freehold in right of which the owner votes, is

(*a*) *Lanauze* v. *Cathrew, Batty*, 783, *See also Bishop of Derry* v. *Chambers*, 1 *Huds. & B.* 433.
(*b*) *Robins. on Reg.* 48.
(*c*) *Dougl.* 30.
(*d*) 2 *Lud.* 450; *See also Middlesex*, 2 *Peckw.* 104, *Ralph's case.*

the rent which a tenant would give for it; and not what the owner, occupying it himself, may possibly derive from it." In the oath of the 10*l.* freeholder in the 10 *Geo.* IV. *Sched.* VI. to the general deposition, as to value, it was added, "and that a solvent and responsible tenant could, as I verily believe, afford to pay for the same, *as an additional rent*, fairly and without collusion, the annual sum of 10*l.* over and above all rent to which I am liable in respect thereof." This is omitted in the new form 2, 3 *Will.* IV. *Sched.* C. *No.* 6.

It is said to have been ruled, upon this ground, that a person who resides on his freehold, a house, but has let rooms in it, cannot include the rent received from lodgers, so as to raise his qualification to the necessary standard; but this seems referrible rather to the question of occupancy, which shall be treated of separately. (*a*)

Rent and Charges.

Quit rents, crown rents, chief rents, rents charge, and rents in every shape constitute reductions of the value. But rents may be reserved out of other lands and tenements beside those in respect of which the party claims the franchise; and the entire amount, if applied exclusively to each portion of the estate or property over which they extend, might destroy the qualification; but such rents, though charged on each and every part, are distributable over the entire, and the tenant of each can compel a contribution from the others. (*b*) Therefore, it seems, the portion, which, in equity, is contributable, ought alone to be considered the charge in such cases. Rents.

The *Bedfordshire* committee resolved, that "the *interest upon a mortgage*, the mortgagor still being in possession, is such a charge upon the estate within the meaning of the statutes, as to affect the rights of the voter." (*c*) Interest.

The *Cricklade* committee determined, "that the mortgagor in possession of lands of the value of 40*s.* a year,

(*a*) *Robins on Reg.* 43. *Post*, *p.* 92.
(*b*) *Anon. Cary*, 2, 1 *Eq. Cas. Abr.* 33. *pl.* 5. *S. C.*; *Morgan's Case Cary* 23, *Dolman* v. *Vavasor*, *Cary* 92.
(*c*) 2 *Lud.* 467.

and the *devisee* in possession of lands of the value of 40*s.* a year, devised subject to the payment of *debts* and *legacies*, are entitled to vote. (*a*).

These seem contradictory,—unless the latter determination be understood that the *principal* money due in respect of such charges, shall not be considered to disqualify. Serjeant *Heywood* (*b*) argues in favour of the *Cricklade* determination, on the ground that the statutes (7, 8 *Will.* III. *Eng. c.* 25, *s.* 7; and the 2, 3 *Will.* IV. *c.* 88. *s.* 47; and the other acts are similar,) enable the *cestui-que-trust* or mortgagor in possession to vote, *notwithstanding such trust or mortgage;* and that the land is or may not be the only security, and the party may pay the money out of his personal property. But the clauses, alluded to, refer to the nature and not the value of of the estate; and his other reasons are contrary to a series of decisions.

Thus, where, in an action on the game laws, a statute (22, 23 *Car.* II. *Eng. c.* 25. *s.* 3,) imposed a qualification "of the clear yearly value of 100*l. per annum*," it appeared the defendant was possessed of lands worth 103*l.* a year, a part of which, worth 14*l.* a year, was mortgaged for 400*l.*, the interest of which being deducted, he had not 100*l. per annum* to his own use; judgment was given against him, and Lord *Mansfield*, C.J., said, "The mortgagor is owner of the land, and the mortgagee has a charge upon it, and whoever it comes to is his debtor. If a man has a sufficient estate, after paying the interest, he is qualified. It is a *charge*, and goes with it as much as a *judgment* or a *statute;* it is very clear; there can be no doubt of this." *Buller*, J. "The only question is, whether the words *clear of all charges*, mean clear value to the person in possession?" and he expressed himself strongly in the affirmative.

The *Buckinghamshire* committee (*c*), and the *Middlesex* committee (*d*), (the last determination) agreed in

(*a*) 2 *Lud.* 471.
(*b*) *Heyw Count. Elect.* 148.
(*c*) 2 *Lud.* 471.
(*d*) 2 *Peckw.* 103.

the general principle of the *Bedfordshire* committee. That committee further laid it down, that the evidence of interest of a mortgage, reducing the annual value of the estate, was conclusive "notwithstanding *any other property* possessed by the voter." (*a*) This must be understood of property not charged with the mortgage, for otherwise the proposition is too general: and the *Middlesex* committee, where it appeared that the mortgage comprised other estates, of which the rents and profits were much greater than the interest of the sum borrowed, determined that the vote was good. (*b*)

The true principle is that of contribution, which a court of equity will enforce (*c*); and as the question of qualification is of *annual* value, it follows that the *annual* charge, and not the principal debt is contemplated.

Thus the statute 28 *Geo.* III. *Eng. c.* 36, (repealed by the 29 *Geo.* III. *Eng. c.* 18,) expressly required the yearly value of the voter's estate to be "over and above *the interest* of any money secured upon it."

Therefore, where the annual value, deducting interest, was sufficient, the vote was held good although the whole of the rents and profits were in a course of application to discharge the principal money as well as the arrears and growing interest. (*d*)

In the *Bedfordshire* case, it was contended, in many instances, that the widow's *dower* was a diminution of the value; and so it must have been considered, if assigned to her; but where she had not received or claimed it for a great length of time, the committee considered that as evidence of her having released it. (*e*)

Taxes.

"No *public* or *parliamentary* tax, *county*, *church*, or *parish* cess or rate, or any cess or rate upon any town-

(*a*) 2 *Lud.* 469.
(*b*) 2 *Peckw.* 103.
(*c*) *Long* v. *Short*, 1 *P. Will.* 403; 3 *Vern.* 756, *S.C.*
(*d*) *Middlesex*, 2 *Peck.* 103, *Chase's case.*
(*e*) 2 *Lud.* 450.

land or division of any parish or barony or half barony" shall be deemed a charge.

If the test of value be, as above stated, the rent which a tenant would give for the premises, in order that the occupier should have the advantage of this clause, it must mean the rent which a tenant would give if no such taxes, &c. existed. In other words, the amount of all such taxes may be included in the rent at which the premises are to be valued. This must, it seems, peculiarly be the case with *tithe-composition*, which not only falls within almost every one of the above descriptions, but by the tithe composition acts themselves (4 *Geo.* IV. *c.* 99. *s.* 41; 2, 3 *Will.* IV. *c.* . *s.* ,) is made a part of the rent.

The following decisions have occurred in *England*, where the 18 *Geo.* II. *Eng. c.* 18. *s.* 6, was similarly worded:

A voter (*a*) occupied his own freehold, which, without adding to its annual value the amount of the taxes charged upon it, was not worth 40*s.* a year, but the sum paid for taxes, annually, raised it to more. It is not stated what became of his vote, but (says Serjeant *Heywood*) it must have been disallowed, for the committee *negatived* a motion (*b*), "that the *parochial taxes*, when paid by the tenant, constitute a part of the rent paid by him for the land, and are to be considered as part of the income, in right of which the owner votes." A similar motion as to the *window and house tax*, had the same fate (*c*); but a resolution, couched in the same terms, concerning the *land tax* was passed in the affirmative.

John Southwell married a woman entitled to the 6th part of an estate, let for 8 guineas a year; but the tenant was bound to pay the land tax, 1*l.* 4*s.*, and to lay out 3*l.* annually in repairs and improvements. Thus the tenant paid 12*l.* 12*s.* including the last two sums, and a 6th part amounted to 2*l.* 2*s.* The question was, Whether the

(*a*) 2 *Lud.* 472; *Heyw. Co. Elect.* 151.
(*b*) 2 *Lud.* 475.
(*c*) *Ibid.* 476.

voter had a sufficient estate?—and it was held that he had (*a*).

The above *English* act directed (*s.* 3,) that no person should vote in right of any messuages, lands or tenements, which had not been charged or assessed towards some aid granted by a land tax; and (*s.* 5,) that the freehold should be "of the clear yearly value of 40*s.* over and above all rents and charges payable out of or in respect of the same."

J. Tansley's freehold consisted of land and houses. It was the custom of the parish to assess *land* only, and his land was neither worth, nor assessed for so much as 40*s.* a year, but was assessed for rather more than its annual value. It was objected that he had not a freehold of 40*s.* a year, *assessed to the land tax;* but the vote was held good. (*b*)

Of the Six Months' Possession, &c.

Clauses have been introduced into many of the election acts, for the purpose of preventing the fraudulent creation of *occasional* voters. By these, various periods of possession have, from time to time, been required before the elector was entitled to exercise his franchise. All such clauses must now be taken to be superseded by the reform act, which contains general provisions upon this subject. (*c*)

By *s.* 13, no person shall be registered in respect of any lands or tenements, (except in certain cases,) unless he shall have been in the *actual possession* thereof, or *in receipt of the rents*, issues, or profits thereof *to his own use*, as the case may require, for six *calendar* months:" —that is, in actual possession, where occupancy is required; in possession *or* receipt of rents, where it is not.

We have already seen a number of cases, in which, in cases of purchasers, when the *equitable* title accrued before the legal, the party was allowed the benefit of his earliest title. (*d*)

(*a*) 2 *Lud.* 448.
(*b*) *Ibid.* 525.
(*c*) *Qu. as to the* 37 *Geo.* III. *Ir. c.* 47. *s.* 2?
(*d*) *Ante*, *p.* 80.

The act seems sufficiently explicit as to the time from which the six months are to be counted back; it says: "next previous to *his registry* under this act;" and a man may register *during* the sessions though his title accrued within six months before the *first day* of the sessions. So, in a case in *England*, even where the act was not specific, Serjeant *Heywood* thought the period should be reckoned from the day on which the voter took the oath and actually gave his vote (*a*), though others considered it differently. (*b*)

Where lands vest in a minor, although he should come of age within the six months, yet it seems, if he is six months in possession, &c., altogether, he may register. (*c*) But though the estate may come to a party, yet if he does not get into possession, (although he did not know the fact of his title), till within the six months, he cannot. (*d*)

Marriage, &c.

The excepted cases are where lands come "by descent, succession, *marriage settlement*, devise, or promotion to any benefice or office." The words are so pointed in the *printed* statute; in a similar clause, *s.* 8, the words are, "by descent, succession, *marriage*, *marriage settlement*, devise, or promotion to any benefice in a church, or by promotion to any office." As there are no stops in an act of parliament, the words before us may be read "marriage, settlement, &c. or, perhaps, "marriage" may be included in "marriage settlement;" but it can scarcely be contended, viewing the two clauses together, that the omission of the word throws a title, acquired by marriage merely, out of the benefit of the exception. Besides, all the former statutes expressly include it. (*e*)

These exceptions have always received the most favorable construction. Thus, under the former acts, a person, married during the election, was held entitled to vote at

(*a*) *Heyw. Co. Elect.* 168.
(*b*) *The Seaford case*, *Simeon*, 129. *n.*
(*c*) 2 *Lud.* 528
(*d*) 2 *Lud.* 531.
(*e*) 18 *Geo.* II. *Eng. c.* 18, *s.* 1; 20 *Geo.* III. *Eng. c.* 17. *s.* 2. 35 *Geo.* III. *Ir. c.* 29, *ss.* 30, 39, 47; 37 *Geo.* III, *Ir. c.* 47, *s.* 4. 4 *Geo.* IV. *c.* 55, *s.* 23, *&c.*

the same election for premises to which he became entitled by the marriage (*a*): and where voters have died during an election, the heir at law or devisee was always allowed to vote for the same lands, although they came to him even after the poll began. (*b*)

The word "succession" is not explained, but it seems to be a comprehensive expression, capable of including those who come to possession of an estate by virtue of a limitation *in remainder* under an old deed; and such persons are not open to the objection of occasionality.

An *administrator* who becomes possessed of leasehold by grant of letters of administration is not, it seems, within such a saving; *quære* if an *executor* may not be said to take by "devise" or "succession" within the spirit of the act. (*c*)

Residence and Occupancy.

The 1 *Hen.* V. required that the choosers of knights of the shire should be resident in the shire at the date of the writ of summons to the parliament. (*d*) But the modern statutes appear to have superseded that early enactment dividing the electors into two classes,—one, of those from whom actual occupation is required,—the other, of those as to whom that qualification is dispensed with. These have been marked out under the several heads.

Residing, tilling, grazing.

From the 10*l.* freeholder it is required that he be in actual occupation of his freehold "by *residing* thereon, —or by *tilling*, or by *grazing*,—or by *both* tilling and grazing, as the case may be;" 2, 3, *Will.* IV., *Sched. C. No.* 6; 35 *Geo.* III, *Ir. c.* 29, *s.* 30; 37 *Geo.* III. *Ir. c.* 47, *s.* 5.

"Resident" appears to mean *abiding* or *dwelling* (*e*); A man can have but one *domicile* within the meaning of the laws relative to that subject, but he may have more than one residence (*f*), which is the place where he

(*a*) *Middlesex*, 2 *Peckw.* 115. *Bedford*, 2 *Lud.* 427.
(*b*) 1 *Ld. Glenb.* 272.
(*c*) *Milbourne Port, Corb. & D.* 225, 6.
(*d*) *It was repealed in England by the* 14 *Geo.* III. *Eng. c.* 58.
(*e*) 4 *Ld Glenb.* 107.
(*f*) *Somerville* v. *Somerville*, 5 *Ves. jun.* 750, 2 *Peckw.* 391, *Note.*

sleeps (*a*). In boroughs, a miller whose house was out of the borough, but who attended daily at his mill within the borough, and occasionally slept there, in a room kept for that purpose, was holden to be "an inhabitant." (*b*) But the residence must be *bonâ fide* (*c*), and is not valid where *another* person is permitted to reside (*d*).

Where the owner of pastures appoints his own ranger who keeps the keys of the gates, &c., he is the occupier, although he receives money from others for turning cattle on the land (*e*); otherwise, where the *exclusive* enjoyment of the land is given to the agisters. *(f)*

Occupancy. See the leasehold franchises No. 2 & 7.

"Occupancy" is a general term, and may be constituted in many other ways than by residence, tilling, or grazing. The test of it seems to be, the holding possession, either by the party himself, or some other as his servant or care-taker, and not as his tenant (*g*).

Non-occupation of part.—See *post p.* 108 *&c.*

The most material question, perhaps, under the head of 'occupation' is,—how far an actual possession of *part* will satify the enactments requiring occupancy.

The case of the smaller freehold qualifications, where a specific occupation by residing, tilling, or grazing, is pointed out, must necessarily be the strongest. In this case an eminent barrister, presiding at sessions, determined on the 10 *Geo.* IV. *c.* 8, that such partial occupation might suffice. Others are understood to have maintained a contrary opinion, viz., that in no case, where the freeholder, from whom occupation was required, parted with the possession of a part of his original freehold could he claim to register for the residue. A proposition to that extent is absurd; the law does not presume that a freehold is subject to a rent: and though a portion of a freehold be either demised or assigned, the residue is still a freehold in itself to all intents and purposes. The position must then be reduced to this,—that if an entire freehold be subject to a rent, and a part be demised or assigned, the remnant, continuing in the oc-

(*a*) 2 *Peckw.* 56.
(*b*) *Milbourne Port, Corb. & Dan.* 228.
(*c*) *Chippenham*, 1 *Peckw.* 273, *Harwich, ibid* 390, 392.
(*d*) *Corb. & D.* 225.
(*e*) *Rex* v. *Mayor of Sudbury*, 1 *Barn. & C.* 389; *Rex* v. *Trustees for Tewkesbury*, 13 *East* 155.
(*f*) *Rex* v. *Watson*, 5 *East*, 580.
(*g*) *Jeffrey's case* 5, *Co.* 67, 68.

cupation of the claimant, must be charged with the whole reserved rent, in estimating its value "above rent and charges," because, by law, every portion of the premises is liable to distress, &c. for the entire rent. But we have seen already (*p.* 85,) how the law deals with that proposition in the abstract; and it is perfectly clear that if A. holds two acres at a certain rent, and assigns *Blackacre* to *B.*, retaining *Whiteacre*, each holds a separate freehold, and though charged with the whole in the first instance, subject only to a fair apportionment of the rent in the result. Then, how can the question, in justice, be altered because he himself remains the owner of *Blackacre*, making a *demise* of it to another? If, indeed, he has demised *Blackacre* without rent, he can register for *Whiteacre*, only in case it be of the required yearly value over the whole rent: but if he has *a rent* out of *Blackacre*, on what principle can he be precluded from availing himself of the principle of apportionment? The rent so reserved by him may not, it is true, be a *bonâ fide* or well-secured rent; but subject to the effect of proof of that fact, it must be taken that such demised portion, *Blackacre*, is worth the rent reserved, and that the original freeholder, may register his occupation franchise out of that part of the premises on which he continues to reside, &c. if it be of the required value after deducting so much of the rent to which he is liable as is fairly apportionable in respect of it.

This construction, too, seems conformable with the general tenor of the election acts. Thus by the 35 *Geo.* III. *Ir. c.* 29, *s.* 38, no person shall be precluded from voting by virtue of any freehold, on account of having sold, aliened, or disposed of any *part* of the freehold he shall have registered, &c. *if he shall have retained thereof to the annual value sworn in such registry.* The 4 *Geo.* IV. *c.* 55, *s.* 29, contains a similar provision.

Of Fraudulent Freeholds, &c.

Besides general *fraud*, there are several circumstances pointed out by the election acts as invalidating a freehold.

The following are applied only where the freehold is under the value of 20*l.* 37 *Geo.* III. *Ir. c.* 47, *s.* 1.

1. Being let or demised to the person or persons from whom the elector holds or derives the same, or to any person in trust for him or them, or to his or their heirs or assigns. 35 *Geo.* III. *Ir. c.* 29, *s.* 26.

2. Being let or demised to any person or persons for the same term for which the elector holds the same.—*Id.*

There are others which are applied to all freeholds:—

3. Being granted in exchange for a freehold in another county. 35 *Geo.* III. *Ir. c.* 29, *s.* 28.

4. Being granted in consideration of any increase of rent, out of any other lands in the same, or in any other county, held by the elector from the grantor, though such consideration be not expressed in the deed; *Id.*

5. Another species of fraud contemplated is the demising for a life or lives, by a grantor possessed only for a term of years, with intent to induce the lessee to register such as a freehold; 45 *Geo.* III. *c.* 59, *s.* 9; 1 *Geo.* IV. *c.* 11, *s.* 37; 2, 3 *Will.* IV. *c.* 88, *s.* 65. But as leaseholders for terms for years are now enfranchised in certain cases, the temptation to this fraud is proportionably diminished.

Besides these there is the general prohibition of freeholds—

6. Granted fraudulently; 35 *Geo.* III. *Ir. c.* 29, *s.* 28. The 24th section of that act supplies evidence of what the legislature has considered badges of fraud, namely, the granting, in any fraudulent or collusive manner, on purpose, or with intent to qualify to vote; being subject to conditions, or agreements, or collateral securities, to defeat or determine the grant, for the redeeming, revoking or defeating the estate, or for restoring or reconvey-

ing it or any part of it, or conveying it to any person in trust for the grantor. The provisions of *s.* 24, are copied nearly in words from the 10 *Ann. Eng. c.* 23, *s.* 1; and by the 18 *Geo.* II. *Eng. c.* 18, *s.* 5, no person shall vote, &c. in respect of a freehold granted to him "*fraudulently on purpose to give his vote.*" These provisions are considered only declaratory of the common law. (*a*)

Fraud is to be distinguished from "occasionality," which in its strict sense means the practice of making conveyances upon the eve of, or in expectation of an election, for the purpose of multiplying votes. (*b*) It was once contended this was illegal even though the conveyance was *bonâ fide*, and for a valuable consideration. But that opinion, it has been considered, is not well founded; (*c*) and a man may sell, and another buy, as much land as will qualify the purchaser to vote, without being guilty of any thing either immoral or illegal: the practice is not prohibited, provided the transactions, by which the votes are created, are sincere and *bonâ fide*, and the check consists only in the express provisions of the statutes, requiring a certain period of possession, &c.

The fraud which will vitiate a vote lies in the circumstance that the transfer of property is only pretended, and not real, or is accompanied with some secret trust as to the vote which is the object of it. (*d*)

In the *Oakhampton* case, (*e*) the estates of the freeholders objected to, which were formerly separate tenements, had been conveyed to them by the father of the sitting member, and by his uncle, for the joint lives of the grantor and grantee, &c. subject to leases of 99 years determinable on 3 lives. The premises conveyed were exceedingly small, consisting in some instances of a third, or an eighth of a dwelling house, and the rent varied from 10*s.* to 2*l. per annum.* The consideration paid was from 41 to 91 years' purchase; and the conveyances had

(*a*) *Heyw. Count. Elect.* 165.
(*b*) 1 *Peckw.* 312, 313.
(*c*) *Heyw. Co. Elect.* 153, 154.
(*d*) *Ibid.* 154.
(*e*) 1 *Peckw.* 360.

been recently made; the grantees were friends of the sitting member, strangers to the place and bought the estates merely to gain votes. The rents (except where the tenants were too poor to pay) were received by agents of the grantors, and in many cases, but not in all, they were paid over by the receiver to the grantee; several of the voters appeared to be very little acquainted with their estates; but there was no evidence of secret trusts, agreements to reconvey, or non-payment of the consideration money expressed in the deed; and the committee decided that these votes were good.

In the *East Grinsted* case, (*a*) there were, on the poll for the sitting members, 9; for the petitioner, 1. The burgages were held at small quit rents payable to the lord of the borough, the duke of *Dorset*. Of the 9 voters, 5 derived title under the duke, and 4 under lord *Sackville*, the proprietors of the burgages; the estates were for the joint lives of the grantee and one of the proprietors, &c. The grantees had been regularly presented at the borough court, and several of them had served upon the homage. None of the voters ever paid the quit rents; but lord *Sackville's* steward paid those of his grantees to the lord of the borough; and the proprietors (not the tenants) were assessed to the land tax, were in receipt of the rents and profits, and at the expense of repairing, &c. In the case of the burgages of the *Dorset* family no consideration was paid, and the grantees, when they accepted the conveyances, signed a declaration of trust for the proprietor. None of the grantees, except the steward and deputy steward of the estate, had the possession of their deeds, which were brought to the place of election and carried back by the agents of the proprietors. These votes were impeached for occasionality and fraud; for the sitting members it was contended, that, at most, the voters were mere trustees. The committee held the sitting members duly elected, and the petition frivolous and vexatious.

(*a*) 1 *Peck.* 308, 335.

So in the *Ludgershall* case, (*a*) the estates in general consisted of plots of land, of the dimensions of a few yards only; the conveyances were dated in the year before the election; the estates were granted for the consideration of 10*s.* for the joint lives of the grantee and one of the grantors; the rent reserved was 10*s.* 6*d.* *per annum;* the grantees resided at a distance; several had received their deeds only a few days before the election; and some of them did not know till then, that they had votes; and they returned the deeds immediately after the election; a few deposited some money when receiving the deeds. It is understood that the committee decided the votes to be good.

"The Good Intent Society" was formed at *Isleworth* in *Middlesex* (*b*) for the purpose of grinding corn at a cheap rate for the use of the members; memorandums of agreement for the purchase of ground, (for the erection of a mill,) 90 feet long, by 45 feet wide, were entered into, and a consideration of 360*l.* paid or secured; three cottages, held by tenants at 6 guineas a-year each, were on the premises, and the society got the possession from the tenants, giving up the rent due; they then pulled down the cottages, and began to erect a mill, which, however, at the time of the election was unfinished, and no profit had at that time accrued to the society. The plan was, to have 1000 shares, and the number of subscribers on the first day of the election was between 200 and 300, and 200 more entered their names during the poll. The first who tendered his vote was possessed of two shares, and he said he would not part with either of them for 40*s.* *per annum*, and his claim was supported in argument as that of an equitable joint-tenant of the freehold. The committee made a special report impugning the sheriffs for admitting upwards of 300 persons, *claiming to vote under a fictitious right*, as proprietors

(*a*) 1 *Peckw.* 377, 378, 380. (*b*) 2 *Peckw.* 23, *&c*

of the mill, by which means a colorable majority was obtained, and the House agreed with the committee, and resolved that the conduct of the sheriffs amounted to a breach of privilege, and they were ordered to be committed.

The case of the *Coldblow-lane* voters was as follows (*a*): a former candidate for the city of *Dublin* was the owner of a plot of ground called *Lawler's Garden* in *Coldblow-lane*, which was described to be about a perch square, and not worth 10*s.* a-year; leases of this ground, for lives renewable for ever (*b*) had been made by him, in the year 1825, to a great number of persons, upon which livery of seisin was made to them; each, it appeared, had his own freehold separate from the rest, and the agent of the grantor got it back into his own hands to manage, undertaking to make it good to the grantee to be worth 40s. &c; there was an engagement, also, on the part of the grantor to pay them 40*s.* a-year each, which they called their rent; these persons then got their leases, and upon this qualification they were registered. The person, who occupied the garden before, continued to do so afterwards. A considerable number of persons voted at the election in *May* 1831, as having 40*s.* freeholds in *Coldblow-lane*, held under leases for lives renewable for ever, and their votes were objected to before the assessor, and evidence of some of the above transactions was given, but no evidence was offered to identify the voters with the individuals concerned, or their holdings with *Lawler's Garden, Coldblow-lane* being an extensive place, containing many freeholds for anything that appeared to the contrary; and, upon the failure in this respect, the objections were withdrawn. Before the committee, three of the voters were produced, and stated that they never looked for their rent or got any until the election; at the election each received 10*l.* of which he returned 7*l.* 15*s.* retaining 2*l.* 5*s.* rent for his freehold.

(*a*) *Abbott's Questions on the Elections for the city of Dublin in* 1831, *p.* 42—48.

(*b*) *That tenure exempted a freeholder from the necessity of occupation &c.* 4 *Geo.* IV. *c.* 55, s. 80.

The committee, for the purpose of unseating the sitting members, determined that the payments so made were bribes to the voters, and that the persons concerned in the payments were the agents of the sitting members; this necessarily involved the determination that the voters were not *bonâ fide* seised, and that the qualification rent, (though binding on the grantor (*a*)) must be considered fictitious.

Fraud, it is held, will vitiate every thing (*b*); a deed, though registered (*c*); and even though third persons may be beneficially interested under the deed (*d.*) And objections of this kind cannot be cured by time. (*e*)

Among the badges of fraud, a conveyance, without a change of possession has always been looked upon as suspicious: a conveyance being, as *Blackstone (f)* observes, but evidence of an intention to change the occupancy. Thus, when a person, who had conveyed his whole estate to trustees for the payment of his debts, remained in possession, and mortgaged a part of it, the mortgage was held good against the conveyance, with which the retention of the property was inconsistent. (*g*) In another case (*h*), the continuance of the deed of conveyance in the custody of him who made the gift, was said by *Coke* C. J. to be clear evidence of fraud; secrecy, also, he says is a great badge of fraud; so a trust between the parties. (*i*)

"If the *jus disponendi*," says Lord *Thurlow* (*k*), remains in any other person, it is in vain that the parchment conveys the right to the grantee. For the real use of the estate remains in another."—"If a person conveys the estate to another, who, instead of paying the purchase money, and instead of paying the expense of conveying it, holds it *at the expense of the grantor him-*

(*a*) 4 *Geo.* IV. *c.* 55, *s.* 28.
(*b*) *Humberton* v. *Howgil*, *Hob.* 72; *Fermor's case*, 3 *Co.* 77.
(*c*) *Lord Forbes* v. *Deniston*, 4 *J. Bro.* 189; *Hine* v. *Dodd*, 2 *Atk.* 275.
(*d*) *Bennet* v. *Wade*, *Dick*, 84.
(*e*) *Pickering* v. *Ld. Stamford* 2 *Ves. jun.* 280, 4 *W. Bro.* 214; *Mulcahy* v. *Kennedy*, 1 *Ridg. P. C.* 337.
(*f*) 2 *Bla. Comm.* 10, 367.
(*g*) *Lavender* v. *Blackstone*, 2 *Lev.* 146.
(*h*) *Stone* v. *Grubham*, 2 *Bulstr.* 217, 218, (*paged* 209, 226.)
(*i*) *Twyne's case*, 3 *Co.* 80.
(*k*) *Elphinstone's case*, 3 *Lud.* 371, &c. *See also M'Pherson's case*, 3 *Lud.* 387, *and the Act* 7, 8, *Will.* III. *Eng. c.* 25, *s.* 7, *against splitting of votes; Weymouth*, 2 *Peckw.* 195 &c.

self; and more particularly so, if he holds it under *an honorary engagement*, that he will never disturb the title of the grantor, (there are a thousand ways in which it might be stated); in that case, the person, who holds it, would be thought of in the most reproachable manner in the world, if he should offer to interrupt the title of the grantor. If he holds it under an honorary engagement, the most imperfect in point of actual obligation, in my opinion, he holds it fraudulently."

A notion prevailed that such manufacturing of votes was legal, in places where the right of voting arose out of burgage tenements: however, in the case of *Onslow* v. *Rapley* (*a*) respecting the borough of *Haslemere*, *Pemberton*, C. J. exploded it. There, two out of five voters were made after the test of the writ; and three, about five years before, in order to carry a former candidate's election; the conveyances were of very minute portions of ground, with continued possession in the grantors, and several confessions of the purpose and intent of making them for the elections; and in one, it was proved, collateral security was given to reconvey, and the grantor had made the repairs. The Chief Justice declared at the trial of the action (brought against the returning officer for the return he made,) "that the making voters by such means was a very evil and unlawful thing, and tended to the destruction of the Government, and debauching of Parliament; and although some conveyances were made some time before, to serve a turn at a former election, yet that they were fraudulent and void in their creation, and ought not to be made use of at any time against any other person."

This, the common law doctrine as to frauds, is equally applicable to the new franchises for terms of years, &c. as to those for freehold interests; but the only parliamentary check imposed to prevent this general fraud, or any other, in cases of leaseholds, is the oath *(Sched. C. No. 7.)* by which the party must depose that he has not

(*a*) *Somers Tracts, Vol.* 1. *p.* 374. *Heyw. Bor. Elect.* 337, 339 *&c*; 2 *Lev.* 37; 2 *Ventr.* 26.

"accepted or procured the said leasehold fraudulently, nor in exchange for any freehold or leasehold in any other county, city, or town."

Void leases. Sub-letting act, &c.

The operation of the several statutes which make leases *void*, and especially that of the act against assigning and subletting, 7 *Geo.* IV. *c.* 29 (*a*), are very material to be considered. By the last mentioned act, *s.* 3, assignments and subleases of lands held by lease or agreement for a lease executed *after the* 1*st of June* 1826, not containing a clause expressly empowering the tenant to assign or sublet (other than leases for 99 years, for lives or years renewable for ever, or held immediately under corporations, or under persons deriving from the immediate lessees of corporations with *toties quoties* covenants for renewal,) are void unless made with the express consent of the landlord in writing &c. This act is repealed by the 2, 3, *Will.* IV. *c.* 17, but not as to leases or agreements for leases made *before the* 1*st of May* 1832. By the new act assignments and subleases, without consent, are only void, where the leases or agreements contain clauses controlling assigning, or subletting.

QUALIFICATIONS OF ELECTORS IN COUNTIES OF CITIES, AND COUNTIES OF TOWNS.

Former franchises preserved by the reform act.

By the 5th section of the reform act, several new classes of voters are created "in addition to the persons now by law qualified to vote, in counties of cities and towns." But, by *s.* 6, no person shall be registered or admitted to vote as a freeholder for any county of a city or town, unless he shall have an estate of freehold of the value of 10*l.* above all charges; PROVIDED, that this shall not prevent any person *now* (i. e. 7th *August*, 1832,) being a 40*s.* freeholder, *entitled to register as such*, from retaining (so long as he shall continue to be seised of the same lands or tenements,) the right of voting, if duly registered according to the provisions of this act. And by *s.* 8, such person shall not be entitled to vote, if such freehold was acquired by him since the 1st of

Exceptions.

(*a*) *See Hunds. Landl. & Ten.* 17 & 447 *&c.*

March, 1831, unless acquired, since that day, and previously to the passing of the act, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office.

By the 9th section, all *freemen*, *freeholders*, and *persons*, who by reason of any *corporate*, or *other* right are *now* by law, entitled to vote, in any city, town, or borough, and all persons, who by reason of birth, marriage, or service, or of any statute, shall be hereafter admitted to their freedom, shall after registration, but so long only as they shall *reside* within the city, town, &c., or *within seven statute miles of the usual place of election therein*, enjoy the right of voting; provided that no persons, since the 30th *March*, 1831, admitted as *honorary* freemen, shall be entitled to vote as freemen.

The old Franchises in Counties of Cities and Towns.

The first statute respecting electors in counties of cities and towns, was the 33 *Hen.* VIII. *Ir. sess.* 2, *c.* 1, *s.* 2, which directed that every knight, citizen and burgess should be chosen and elected by the greater number of the INHABITANTS of the counties, cities, or towns, being present at the election.

Various acts of parliament regulated the franchise up to the year 1795, when the 35 *Geo.* III. *Ir. c.* 29, repealed the great body of them; amendments of this were made, from time to time, until the year 1823, when by the 4 *Geo.* IV. *c.* 55, the 35 *Geo.* III. and four of the subsequent acts were repealed as to these districts; and on this statute and the reform act, principally, now stand the franchises of the electors in counties of cities and towns.

The 50*l.* and 20*l.* freehold franchises, &c.

The franchises of the 50*l.* and 20*l.* (both for land and rent-charge) and of the ecclesiastical freeholders, established by the 4 *Geo.* IV. *c.* 55, are very nearly identical with those which the previous statutes had provided in all counties, generally, and which subsisted in like manner, at the time of the passing of the reform act, and are continued by it; but there was, besides, the 40*s.*

freehold franchise, (taken away in counties at large by the 10 *Geo.* IV. *c.* 8,) which now, by the reform act, can subsist in counties of cities and towns in those only who possessed it at the time of the enactment made, and under the circumstances which it points out. This franchise depended, generally, on the 4 *Geo.* IV. *c.* 55, *ss.* 6, 23, &c. one of the qualifications imposed by which was, that the 40*s.* freeholder should state in his oath, that he was in the actual occupation by residing, or by tilling, or grazing, &c.; but, by *s.* 80, of that act, it was recited to be expedient that persons having freeholds under the yearly value of 20*l.* and subject only to quit and crown rent, *or* arising from fee-farm grants, *or* under leases for ever, *or* for lives renewable for ever, should have the power of voting although they did not reside thereon, &c., and it was enacted, that it should be lawful for persons having freeholds, under 20*l.* yearly value, not consisting of a rent-charge, *and* liable only to crown or quit rent, to register in like manner as 20*l.* freeholders, inserting the words "forty shillings" instead of "twenty pounds," or "fifty pounds," &c. and also these words, "and that the said freehold does not consist of a rent-charge, and that it is liable to no rent except quit or crown-rent, *or* that it arises from fee-farm grant, *or* that I hold it under a lease or leases for ever, *or* under a lease or leases for lives renewable for ever, *as the case may be.*" Both the recital and the form of the addition to the oath plainly make it necessary to reject the words "*and* liable only to quit and crown-rent" as controlling the whole clause, which, literally, they do; and to consider them as put *exempli gratiâ*, only,—or with an "&c."—and I believe the act, practically, has received that construction, and has not been confined to tenants liable only to crown and quit-rent.

The 40*s.* freehold franchise.

Hence, the 40*s.* freehold franchise was of two kinds, the *occupation* and the *non-occupation* franchise;—the latter comprising those freeholders who held in fee, or for lives renewable for ever, or who were liable to no rent except quit or crown-rent.

The corporate franchises.

Besides the freehold rights, there were the *corporate* franchises, which we have already touched upon in the introduction, (*a*) and shall more fully specify in their proper places.

The new Franchises for Counties of Cities and Towns.

10*l.* freeholders.

By the 2, 3 *Will.* IV. *c.* 88, *s.* 5, "Every male person of full age, and not subject to any legal incapacity, who shall be seised, *at law* or *in equity*, of any *freehold* estate in any lands or tenements within such city or town, and shall be in the actual occupation thereof, and who shall have a beneficial interest therein of the clear yearly value of *ten pounds* at the least, above all rent and charges payable out of the same,

Leaseholders as in counties.

"Or who shall hold, as lessee or assignee, any lands or tenements within such city or town, for *such term*, of *such value*, and *subject to such provisions* as would, under this act, (*b*) if such lands or tenements were situate in a county at large, without the limits of such city or town, entitle such person to register his vote for such county,

Householders.

"Or who shall *hold and occupy* within such city or town, as *tenant* or *owner*, any *house*, *warehouse*, *counting-house*, or *shop*, which either *separately*, or *jointly with any land* within such city or town, occupied *therewith* by him as tenant under the *same* landlord, or occupied therewith by him as *owner*, shall be *bonâ fide* of the clear yearly value of not less than *ten pounds*,

"Shall, if duly registered according to the provisions of this act, be entitled to vote in the election of a member or members to serve in any future parliament for such city or town; PROVIDED ALWAYS that no such *occupier* as last above mentioned shall be admitted to be registered under this act unless he shall have occupied such premises as aforesaid for six calendar months next previous to the time of his registry, nor unless such occupier shall have *paid* or *discharged* all such *grand jury*

(*a*) *Ante pp.* 36, 40, *&c.* (*b*) *See s.* 1, *&c. and ante p.* 51, *&c.*

and *municipal* cesses, rates and taxes, if any, as shall have become legally due and payable by him in respect of such premises, over and above and *except one half year's amount* of such cesses, rates, and taxes as aforesaid."

Taking together all the enactments of the previous acts and of the reform act, and the new forms of oaths in *Schedule C. Nos.* 4 to 7, we now proceed to enumerate the different rights of voting, classing them under the different values where such qualification in value is required, and taking separately those (the corporate) franchises, in which pecuniary qualification is altogether thrown aside.

I. *The Forty Shilling Franchises.*

The 40*s.* occupation freehold franchise.

No. 1. The 40*s.* occupation freehold franchise. The sum is of the late currency of *Ireland.* The value must be above all charges payable out of the freehold except taxes, 4 *Geo.* IV. *c.* 55, *ss.* 6, 7. The freehold must not arise from a rent charge, *ibid.;* nor be let, or agreed to be let to, or in trust for the persons who executed the deed, &c. or their heirs or assigns, nor intended so to be; nor agreed to be let for the term for which the party holds it; *ibid. ss.* 6, 23; nor procured fraudulently, or in exchange for a freehold in any other county, *ibid. s.* 6, and *ss.* 24, 26, 27, 28. The party must occupy, either by *residing* on the freehold, or by *tilling*, or by *grazing*, or in several of those ways, to the amount of 40*s.* yearly value thereof, *ibid.* It is immaterial whether the party hold the original lease, or a sublease.

The 40*s.* non-occupation freehold franchise.

No. 2. The 40*s.* non-occupation freehold franchise. The sum is of the late currency of *Ireland;* the value must be above all charges payable out of the freehold, except taxes; 4 *Geo.* IV. *c.* 55. *ss.* 47, 80. The freehold must not arise from a rent charge, *ibid.*; and the party must not have procured it fraudulently, or had it fraudulently granted to him, nor in exchange for a freehold in any other county, *ibid.* And he must hold either under a fee-farm grant, or lease for ever, or for lives re-

newable for ever, or else be subject only to quit or crown rent; *s.* 80.

When the title must have vested.

In both these cases those who were entitled *to vote* on the 7th *August* 1832, (*quære* whether this requires that they should have been registered *six months* before that day; see the 4 *Geo.* IV. *c.* 55, *s.* 23, and *semble* that it does not, the period for registry being "six months *before the test of the writ, &c.*,) may be registered upon an oath in the short form, 2, 3, *Will.* IV. *c.* 88, *Sched. C. No.* 9; but must appear in person, and, if required, prove their franchise: *ibid. s.* 23. Those who were not so previously registered may also register now, *s.* 6; but, it seems, according to the forms in the 4 *Geo.* IV. *c.* 55. The estate must have been vested *in the party himself* on the 7th of *August*, 1832, and he must have *continued* to be seised of it, up to the time of his registry; *ibid. s.* 6. But even such estate will not suffice if acquired by him since the 1st of *March* 1831, unless it came to him by descent, succession, marriage, marriage settlement, devise, or promotion to a benefice or office, *ibid. s.* 8.

Residence required

Further, in both cases, the party, at the time of his registering, must have been a resident for the last six months within the city or town or within 7 statute miles of the usual place of election; *Sched. C. No.* 9; and he can enjoy the right of voting so long only as he shall so reside; *s.* 9.

Leases to two or more jointly or in common.

We have already discussed the question as to the discontinuance of the provisions against the registry of joint-tenants and tenants in common (*a*) but it is material here to observe that the provision of the act 4 *Geo.* IV. *c.* 36, *s.* 2, expressly exempted from its operation persons registering *under leases for lives renewable for ever.*

II. *The Ten Pound Franchises.*

The 10*l.* freehold occupation franchise.

No. 3. The ten pound *freehold* occupation franchise.

(*a*) *Ante pp.* 55-57.

The sum is of the currency of the United Kingdom. The annual value must be above all rent and charges, except taxes, 2, 3 *Will.* IV. *c.* 88, *ss.* 5, 6, 10, and *Sched. C. No.* 6. The freehold must arise from a house, houses, or land, or both, and not from a rent-charge, *Sched. C. No.* 6; and the party must be in the actual occupation thereof by *residing* thereon, or by *tilling*, or by *grazing*, or by both. *Ibid.* The freehold must not be let, or agreed to be let to, or in trust for, the persons who executed the deed, &c. or their heirs or assigns, nor intended so to be; nor for the term for which the party holds it, nor procured or accepted fraudulently, or in exchange for a freehold in any other county, city, or town. It is of no consequence whether such freeholder be the original lessee, or an underlessee, or the assignee of either; and the value may be made up of several freeholds; 2, 3, *Will.* IV. *c.* 88, *s.* 64.

As to leases &c. made to two or more jointly or in common, see *pp.* 55,—57.

The 10*l.* occupation franchise of a term of 20 years.

No. 4. The 10*l.* franchise of a *term* not less than 20 years. By *s.* 5, this is the same as the county franchise, *No.* 2, *Ante p.* 57.

The 10*l.* non-occupation franchise of a term of 60 years.

No. 5. The 10*l.* franchise of a *term* not less than 60 years in the lessee or assignee of the *original lease.* By *s.* 5, this is the same as the county franchise, *No.* 3, *Ante p.* 58.

The 10*l.* copyhold franchise for life or in fee.

No. 6. The 10*l.* *copyhold* franchise for life or lives or any greater estate. By *s.* 5, this is the same as the county franchise, *No.* 4, *Ante p.* 58. It is generally supposed, however, that the only copyhold estates in *Ireland* are in the county of *Meath.*

The 10*l.* householder's franchise.

No. 7. The 10*l.* householders' franchise. The sum is of the currency of the United Kingdom. The value is the *bonâ fide* clear yearly value of the house, &c., 2, 3 *Will.* IV. *c.* 88. *s.* 5. and *Sched. C. No.* 8, *independently* of the amount of *rent* payable for it; and, consequently, if it be subject to a rent of ten pounds or upwards, which is, *bonâ fide*, paid for it, there is a strong presumption in favour of its being of such value.

Premises and mode of occupation.

The premises must consist either of a *house—warehouse—counting-house*—or *shop*—not of mere *land* separately—but if the party has any land within the city or town which he occupies *with* such house, &c. provided he occupies both as tenant under the same landlord, or as owner, then it will be sufficient, if both together be of the value of 10*l.* yearly.

Lodgers.

A mere lodger, unless the part of the house or premises occupied by him be a "warehouse," "counting-house," or "shop," cannot vote in respect of his holding. So in the pre-existing householders' franchise the party was obliged to depose that he was not an inmate or lodger of any other person in the borough. (*a*)

Letting part to lodgers.

It seems reasonable to say also, that the householder, by letting a part of his house to lodgers, does not lose his franchise. Thus where in a lease of a coffee-house, there was a condition not to grant any underlease, or leases, for any term or terms whatever, or let, assign, transfer, or set over or otherwise part with the premises or the interest, or any part thereof, without license of the landlord, it was held that the letting of lodgings was not a breach of the condition, Lord *Ellenborough* saying, "The covenant can only extend to such underletting as a licence might be expected to be applied for, and who ever heard of a licence from a landlord to take in a lodger?" (*b*) The guests of an innkeeper have no exclusive possession (*c*), and clearly cannot interfere with his franchise.

Since writing the above my learned friend, Mr. *Pigot*, has put me in possession of the case of *Fludier* v. *Lombe* (*d*), which bears strongly in support of the construction I have stated, and every part of it is so material that I shall abstract the judgment in full.

The case arose upon the statute 11 *Geo.* I. *Eng. c.* 18. for regulating elections for citizens to serve in parliament, mayors, and other officers in *London*. By the 7th section,

(*a*) 35 *Geo.* III. *Ir. c.* 29. *s.* 55.
(*b*) *Doe* v. *Laming*, 4 *Campb.* 77; *and see the cases collected, Huds. Landl. & Ten.* 326, *&c.*
(*c*) *Larkin* v. *Porter*, 1 *Huds. & B.* 524.
(*d*) *C. T. Hardw.* 293; *Lee's Edit. p.* 307.

it was enacted that the right of election of aldermen and common-council-men should belong to freemen of the city, "being householders," paying scot and bearing lot. Provided (*s.* 8,) that the houses of such householders be respectively of the true and yearly value of 10*l.* a year at the least, and that such householders be respectively the *sole occupiers of such houses*, and have actually been in possession of a house of such value 12 calendar months before such election; and in case (*s.* 10,) any two or more partners carry on a joint trade in any such house together, and shall have been householders of any such house by the space of time aforesaid, such partners shall, paying their scot and bearing their lots, if required, have votes, so as such house, wherein such partners carry on their trade, be of the true yearly value of as many respective sums of 10*l.* a year computed together, as there are partners; provided also, (*s.* 11,) that where 2 persons and no more, not being partners, shall have by the space aforesaid severally inhabited in the same house, such persons, severally paying scot and bearing lots, shall have votes, so as such house be of the true yearly value of 20*l.* and that each of said persons doth pay the yearly rent of 10*l.* at the least for his respective part of such house.

[The reform act not containing such clauses, *quære* whether partners or joint-tenants may not vote out of a house, &c. worth 10*l.* yearly, though not worth as many sums of 10*l.* a year as there are partners or joint-tenants; and *quære* whether this will extend to tenants in common also?]

An election took place for a common-council-man, under this act, and, upon the traverse of a return to a *mandamus* to admit the plaintiff, 5 of his votes were objected to, they being householders of houses above the value of 10*l.* a year, who had let part of their houses to lodgers at such rents as reduced their rents to be under 10*l. per annum*. The case was argued on both sides, and a verdict was directed for the plaintiff, the Chief Justice having given his opinion as follows:

"Lord *Hardwicke*. I am clearly of opinion, that these persons are well entitled to vote; the intention of the act of parliament appears to be, to provide, that the voters be freemen, and of ability, of which ability it has appointed two evidences, viz.. that they shall not receive alms, and that they shall live in a house of the value of

10*l.* a year; and it was a reasonable thing that alms people should be excluded, and to admit persons whom landlords would trust with a house of 10*l.* a year, as persons of proper abilities. It has been rightly said, that this, being law to take away people's franchises, should be strictly construed; and therefore it should not be construed to exclude any persons from voting, unless they appear to be excluded by the plain words and penning of the statute. Now the statute declares in general, that the right of election belongs to freemen of the city being householders and paying scot, and bearing lot when required. But this general rule has three sorts of restrictions put upon it by the act: 1st. That the houses of such householders be respectively of the true and yearly value of 10*l.* a year at least. 2dly. That such householders be respectively the sole occupiers of such houses. 3dly. That they have actually been in possession respectively of a house of such value, in the ward wherein the election is made, by the space of 12 calendar months next before such. In this case the only questions are, 1st. Whether these voters were householders of houses of the yearly value of 10*l.* 2dly. Whether they were the sole occupiers of such houses. As to the 1st; to be sure the letting lodgings does not at all diminish the true yearly value of the house; and the act describes the qualification to be the yearly value, and not the rent; and the reason of that is, a person might hire a house of a very large yearly value, and pay a large fine upon coming into the house, and therefore a very low rent might be reserved, possibly under 10*l.* a year; so that these voters are not disqualified in that respect. Why then does their having let lodgings make them cease to be the sole occupiers within the meaning of the statute, and I must own I have no notion that they do thereby cease to be so; for no man can be occupier of a house but either by living in one of his own, or in one that he hires; and a lodger was never considered by any one as an occupier of a house; 'tis not the common understanding of the word; neither the house nor even any part of it can be properly said to

be in the tenure or occupation of the lodger; and this construction will answer the intention of the act in preventing the multiplying votes; for though a lodger should pay rates, yet will he not have power to vote, not being to be deemed a householder or occupier: lodgers are inmates, and surely the taking in inmates does not make a man cease to be in the occupation of his house. There is in this act of parliament a clause, that where two persons and no more, not being partners, shall have by the space aforesaid severally inhabited in the same house, such two persons severally paying their scots, and bearing their respective lots, shall have votes; so as the house wherein they inhabit be of the real yearly value of 20*l.* and that each person pay the rent of 10*l.* at least for his respective part of such house. The votes now in question are not disqualified upon this clause neither, nor does the clause seem at all to relate to lodgers, but like the distinction in *Kelynge* as to burglary, it relates to houses that are divided between two inhabitants; and therefore the words of the act are, who severally inhabit the house, for a lodger can't be said to be an inhabitant, but an inmate under the tenant. There is likewise another clause in this act, that in case two or more partners carry on a joint trade in any such house together, and shall have been householders of such house by such space as aforesaid, such partners shall, paying their scot and bearing their respective lots, have votes at such elections, so as such house wherein such partners carry on their trade be of the real yearly value of as many respective sums of 10*l.* a year computed together, as there are partners; which clause I take notice of in the last place, because of itself 'tis a plain proof against the defendant; for the clause plainly takes the case of such partners out of the clause relating to sole occupiers; why then, suppose, in a house of the yearly value of 100*l.*, those two or three partners, and they should let the house in lodging, are they not full entitled to vote? To be sure they are, for the clause as to the sole occupiers does not extend to them: and can the legislature be supposed to give them a right of voting in such a case, and yet prohibit a person

who is sole occupier from voting, because he has lodgers? It† must be taken, that when a man has let lodgings he is no longer the sole occupier, than‡ if a man should have a house of 100*l.* he would lose his right of voting if he took one lodger, though he paid him but 10*l.* a year for his lodgings."

[† This seems misprinted, read "If it."]

[‡ Read "then."]

The following cases tend to a similar view of the law:

Where a statute, 6 *Geo.* IV. *c.* 57, directed that a person should not obtain a parish settlement by settling upon a tenement, unless consisting of a *separate and distinct dwelling house*, or of land, or of both, nor unless such house, or building or land shall be "*occupied* under" a certain yearly hiring, it was held that the pauper's husband who resided in such a dwelling house, although he underlet one of the apartments to a tenant, one *Gay*, who occupied, thereby gained a settlement. (*a*) A former statute, 59 *Geo.* III. *c.* 50, on the same subject, was worded thus, "unless such *house* or building shall be *held*, and such *land occupied*, &c. *by the person hiring the same*." Upon these words the following decisions had taken place:

W. B. held *together* a house and garden, which he had taken at different times. He underlet to a lodger one of the rooms on the ground floor communicating with the rest of the house by an inner door, and with the yard by an outer door, of which doors the lodger kept the keys. There was another outer door to the house. It was held that although there was a separate taking of the house and of the land, this was a tenement within the meaning of the statute, and although one of the rooms was underlet, still the house continued to be the separate and distinct dwelling house of the pauper within the meaning of the statute. (*b*)

J. H. took a cottage which he held during half a year, and quitting that took a house which he held for another half year. During the whole year he was tenant of a garden; but he had agreed with one *Maynard* that they

(*a*) *Rex* v. *Inhabitants of Ditcheat*, 9 *Barn. & C.* 176.

(*b*) *Rex* v. *Inhabitants of North Collingham*, 1 *Barn. & C.* 578.

should share the expense and the profits arising from the cultivation of the garden; *Maynard* paid him half of the rent, and he paid the whole to the landlord. It was held that he did not gain a settlement, because, as *Maynard* was entitled to participate in the occupation, the pauper could not be considered as occupying more than a moiety of the garden. The cottage was rented at 8*l.* a year, and the garden at 2*l.* 2*s.*, and as 10*l.* was the required rent, unless the garden was separately occupied by the pauper the whole year, no settlement was obtained. (*a*)

M. H. hired a house consisting of six rooms and a cellar; she underlet to one *Clough* the cellar at 1*s.* 6*d.* per week, and he occupied it during the whole of her tenancy. It communicated to the street by an outer door of which he kept the key, a step ladder was removed, and a trap door shut, by means of which the cellar previously communicated with the room above it. It was held that she gained a settlement although part was let to an undertenant. (*b*)

The following observations are made by *Littledale*, J. in the first mentioned case.—"There is a material difference between a holding and an occupation. A person may hold though he does not occupy. In order to occupy a person must be resident by himself or his family. In this case it seems to me that the pauper has been the occupier of the house during the whole period. We have no distinct account how the apartment was let or occupied. In an indictment for housebreaking, it might be laid to be the house of the pauper's husband. So in an action for use and occupation, he might properly be described not merely as holding but as occupying the house. By the statute of 43 *Eliz.* the rate is to be on the occupier. In *Nolan's Poor Laws*, 176, it is laid down, that no lodger, though possessing the principal part of the house, was ever rated; but the owner, how small soever

(*a*) *Rex* v. *Inhabitants of Tonbridge*, 6 *Barn.* & *C.* 88.

(*b*) *Rex* v. *Inhabitants of Great Bolton*, 8 *Barn.* & *C.* 77.

the part reserved for himself, is, in the eye of the law, the tenant for the whole, and is rated as the occupier.(*a*) Then, as in the indictment for housebreaking, (committed in the apartment let to *Gay,)* the house might be described as the dwelling house of the pauper's husband, and as he might be described as the occupier of the house in an action for use and occupation, and would be rateable to the poor as occupier in respect of the whole house, I think he must be considered, in point of law, as having occupied and resided in this house. *It is not necessary in order to make a man an occupier, that he should actually sleep or take his meals in a house, or that his family should actually dwell in the whole house; but the law considers him, for this purpose, an occupier, if he hold the whole, and by himself or his family occupy part.* It might have been otherwise if he had underlet the whole house, and occupied no part. The word occupation, as applied to a house, undoubtedly implies personal residence. But if a lessee of a house dwell in any part of it, though he let the other part, he, in point of law, is to be considered the occupier of the whole."

" Inhabitants," in general, upon questions of right and liability is taken to mean such as are *householders,* as in the statute 22 *Hen.* VIII. *Eng. c.* 6, for reparation of bridges and highways. (*b*) And in cases where the franchise is vested in the " inhabitants," decisions have taken place on the distinction between *householder* and *inmate,* which it is proper here to mention.

Resolved in the *Cirencester* case, 1792, that no person can be deemed a *householder,* who does not possess an exclusive right to the use of the outward door of the building; although, by taking *inmates,* he *may* have relinquished, for a time, the *exercise* of that exclusive right; neither can a person, whose habitation is composed of more apartments than one, be deemed a householder, unless he also possesses an exclusive right to the staircase,

(*a*) *See also Rex* v. *Inhabitants of St. Mary the Less,* 4 *Durnf. & E.* 477; *and Rex* v. *Inhabitants of Aldrystwith,* 10 *East,* 354.

(*b*) 2 *Co. Inst.* 703; 3 *Ld. Glenb.* 81.

door way, or other passage, that forms the means of communication between the several apartments; although, by taking inmates, he may have relinquished, for a time, the exercise of that right. (*a*)

"The legal meaning of the terms *householders* and *inmates* must be determined on the general principles of the law, not on any ideas suggested by local usage; and if a passage is considered as a street passage, (though covered,) all the houses that have separate outward doors opening into that passage, are good votes." (*b*)

Thus, the exclusive right is the criterion between householder and inmate; and the *outward* door to the building does not mean, necessarily, the gates, or outward door of a court or passage.

The party must occupy as *tenant* or *owner*, and, therefore, a mere care-taker for another does not obtain the franchise. But *tenancy* may subsist without any deed or *writing* of demise, or written agreement. The mere payment of rent by the occupier will give him a tenancy. A tenancy for any period not more than three years may be created by words only (*c*), and such may be sufficient, possession being delivered, even before any rent is paid.

The charter of *Norwich* vested the right of voting for corporate offices &c. in the citizens *inhabiting* &c. and the 3 *Geo.* II. *Eng. c.* 8 required the voter, before polling, to take an oath that he was, within 6 months last past, an *inhabitant* within the ward of &c. It was held that freemen, in the militia, quartered at *Colchester*, but having dwelling houses in *Norwich* in which their families resided, and to which they resorted, at times, on furlough, (in some instances within the last six months, only for the purpose of voting at elections,) were *inhabitants* within the charter and act of parliament. (*d*)

The party must have occupied the premises in this manner for six calendar months next previous to his *re-*

(*a*) *Male on Elect.* 206.
(*b*) 2 *Fras.* 449, 451.
(*c*) 7 *Will.* III. *Ir c.* 12, *s.* 1.
(*d*) *Rex* v. *Mitchell*, 10 *East*, 115, *and see Rex* v. *Clouting*, *Male on Elect.* 317, *n.*

gistry, *ss.* 6, 13, *Sched C. No.* 8, and therefore, he may, though somewhat less than six months in possession, serve a notice of his intention to register; and if the period is complete on the day he completes his registry, it will be sufficient.

Payment of taxes.

The remaining requisite is, that the party shall have paid or discharged all such *grand jury* and *municipal* cesses, rates, and taxes, if any, as shall have become legally *due* and payable *by him*, *in respect of such premises*, over and above and except one *half* year's amount of such cesses, rates, and taxes.

Upon this enactment it is to be enquired, what are *municipal* rates—*when* a rate becomes due, and *by whom* it is due. (*a*)

What taxes.

The expression "municipal" according to *Blackstone*, (*b*) denotes, strictly, the particular customs of one single *municipium* or free town; and it would seem to follow, that taxes, which, either are not peculiar to the town as such, or which affect a part only of the town, are not properly municipal taxes. For the former reason it seems to be that *grand jury* cess is specially mentioned by the act, because it is a general tax over the whole country, though in some instances imposed by the grand jury of the *municipium*, being a county of a city or town. And so, parish cess, not being specially named, may, for that reason, be considered as excluded, for it prevails by a general law over the whole country, and, besides, each particular parish, within the *municipium*, has its own rate, separate from the other, and such rate is not allocated to the use of the town as such. Minis-

(*a*) I was desirous here briefly to abstract all the acts in force in *Ireland* relative to local taxation, so far as they relate to these questions. I have found, however, that not only are they much involved by clauses partially expired, half repealed, or superseded, but a great portion of the enactments, since the union, (contrary to that just principle of legislation which should preclude all *taxation*, even that affecting particular places, except by the public general statutes of the realm,) are to be had only among the collections of local and personal statutes, and have not been accessible to me. If I am able, before the close of this work to arrange any information upon the particular heads, at all satisfactorily, I shall add it in an additional chapter. But the time permitted me for the compilation, is so short, that it is impossible to stop here for the purpose.

(*b*) 1 *Bla. Comm.* 44.

ter's money too, though peculiar to corporate towns, (17, 18 *Car.* II. *Ir. c.* 7, *ante p.* 72,) and often made the *measure* of local taxation, and tithe or tithe composition, may be considered as excluded, for they are payments to individuals in the nature of private property, and not "municipal."

It is true, indeed, that where, in *England*, the franchise was vested in the inhabitants of a town "paying scot and lot," it has been held that paying the poors' rate, was paying scot. *Scot*, (Saxon, *sceat*) means a part or portion, (*a*) and to pay *scot* means to pay a portion of *any* assessment; so "lot" means a share; and as parish rates were universal, they came to be the general criterion, and thence it has been established that "to pay scot," means to pay parochial taxes, and "to bear lot" to perform parochial duties and discharge parochial offices. (*b*) This proves that the franchise of a *rate-payer* is established by the payment of parochial taxes; but it does not prove the proposition, that a parish rate is a municipal tax.

The cesses, rates, and taxes, which appear more properly to come within this designation, are those which are imposed generally upon the town for public purposes, and for the general benefit of the inhabitants; such as, for lighting—cleansing—paving—watching.

When due.

The *time* when a tax becomes payable may be regulated either by an act of parliament fixing a given day in the year for its payment, or, as in cases of assessment, upon certain acts being done. The *applotment*, when *delivered* by the applotters to the collector, will, in general, create the duty of paying; but it is sometimes required that a *warrant* shall be made out upon the return of the applotment, and in such cases, it seems, the duty does not arise until the delivery of such warrant to the collector.

(*a*) *Cowell. Interpr. voce Scot.*

(*b*) *Seaford* 3 *Lud.* 82, *notes and* 123; 3 *Id. Glenb.* 75 & 126; *Sim.* 21; 1 *Ld. Glenb.* 140; 1 *Peckw.* 103; *Clifford*, 2 *Southwark case* 376, *n.*; and *Tamworth case*, 1819, *Male on Elect.* 205, *n.*

By whom due.

The *person* from whom the payment is *legally* due, is, in general, the *occupier*, *i. e.* the occupier at the time of the applotment (and warrant, if any, thereupon). The subsequent occupier will be liable to distress in most cases, but it does not follow that the rate is a legal debt due by him. The 36 *Geo.* III. *Ir. c.* 55, *s.* 95 (*a*), however, enacts that every *grand jury cess* shall be paid by the person or persons occupying the land at the time it is levied. The 9 *Geo.* IV. *c.* 82. for making provision for the lighting, cleaning, and watching of towns in *Ireland*, enacts, *s.* 41, that the immediate tenant or occupier, tenants or occupiers, of premises charged with any applotment under this act, shall be deemed chargeable; provided that if the premises or any part thereof be tenanted by the *month*, or any shorter period, the person holding or occupying may in all cases deduct the sum levied from him from his rent; and subsequent occupiers (*s.* 42,) may recover the amount levied upon their goods from the persons primarily chargeable.

III. *The Twenty Pound Franchises.*

The 20*l.* non-occupation freehold franchise arising from land, &c.

No. 8. The 20*l.* *freehold* franchise arising from land, &c. (and not arising from a rent-charge). The sum is of the former currency of *Ireland*. The annual value must be above all rent and charges, except taxes. The freehold must not have been accepted or procured fraudulently; or in exchange for any freehold in any other county, city, town or borough, 2, 3 *Will.* IV. *c.* 88. *Sched. C. No.* 4; 4 *Geo.* IV. *c.* 55. *ss.* 4, 23, 24—28. Actual occupation is not necessary; nor is it material whether the party is the original lessee, or an underlessee, or the assignee of either. (*b*)

(*a*) *App. p.* 121.

(*b*) It will be observed that the 9th section of the reform act, requiring *residence* from freemen and others previously entitled to vote at elections in cities, towns and boroughs, appears to embrace, generally, *all* "freeholders" and persons who by *any* right are so entitled. This, in terms, would impose that qualification upon 20*l.* and 50*l.* freeholders and rent-chargers in counties of cities and towns, and those boroughs (*Mallow* and *Dungarvan*) where freeholders vote, whilst certain classes (*leaseholders, &c.*) obtaining their franchises in such counties of cities and towns would not be subject to such restriction. It can scarcely be conceived that it was *intended* now so to

No. 9. The 20*l.* freehold franchise, arising from *rent-charge.* The sum is of the former currency of *Ireland.* The value must be "above all charges payable out of the same;" the party must be in *possession* thereof to the clear amount of 20*l.* yearly, and entitled to receive the same as it becomes due, to and for his own sole use and benefit; and he must not have procured or accepted it fraudulently; or in exchange for a freehold in any other county, city, or town; 2, 3 *Will.* IV. *c.* 88. *Sched C. No.* 5; 4 *Geo.* IV. *c.* 55. *ss.* 5, 23, 24—28. (*a*)

The 20*l.* freehold franchise of rent-charge.

No. 10. The 20*l.* franchise of a *term* not less than 14 years. By *s.* 5 of the reform act, this is the same as the county franchise, *No.* 7, *Ante p.* 59.

The 20*l.* occupation franchise of a term of 14 years.

No. 11. The 20*l.* franchise of a *term* not less than 14 years, in the lessee or assignee of the *original lease.* By *s.* 5 of the reform act, this is the same as the county franchise *No.* 8, *Ante p.* 59.

The 20*l.* non-occupation franchise of a term of 14 years.

IV. *The Fifty Pound Franchises.*

No. 12. The 50*l.* *freehold* franchise arising from *land,* &c. (and not arising from a rent charge.) (*a*)

The 50*l.* non-occupation freehold franchise of lands, &c.

No. 13.—The 50*l.* *freehold* franchise arising from *rent-charge.* (*a*)

The 50*l.* freehold franchise of rent-charge.

The sum is of the late currency of *Ireland,* and, with the difference in amount only, these franchises are the same as the 20*l.* freehold franchises, (Nos. 8 and 9,) above mentioned except that a distinction is made in favor of the superior qualification in the particu-

restrict these franchises, because, in their origin, they were intended otherwise, and no other clauses of the act show any intention so to vary them. And it is to be remarked that this section is introduced as a *proviso* upon *s.* 8, which treats of freeholds "under the value of ten pounds,"—and the oaths and certificates of the 20*l.* and 50*l.* freeholders, and rent-chargers, *Sched. C. Nos.* 4 *&* 5, and *Sched. D. No.* 1, are silent as to residence; whilst *Sched. C. No.* 9, is entitled "the oath to be taken by *resident* freemen and *forty shilling* freeholders *whose rights are saved,*" and *Sched. D. No.* 3, is the certificate of a "*resident forty shilling* freeholder." These appear sufficient to warrant the implying of "forty shilling" with "freeholder, &c." in the 9th section.

(*a*) *See the last note.*

lars of *registry*, viz. that the claimants may register freeholds of this value upon oaths made in the superior courts of record in *Dublin*, or before a judge at the assizes; *s.* 46; 4 *Geo.* IV. *c.* 55, *s.* 9: see, however, the provisions as to the first special registry sessions.

V. *The Ecclesiastical Franchise.*

No. 14.—Clergymen must now register their freeholds, and they must register as freeholders *under this act*, 2, 3 *Will.* IV. *c.* 88, *s.* 63. It seems open to them to register as 20*l.* freeholders as in No. 8, and they are allowed to register in any of the modes permitted to the 50*l.* freeholders; *s.* 46. Those who held the franchise before the passing of the act may register as 40*s.* freeholders as of the class, No. 2, *ante* 105. (*a*) Even before this, as the 4 *Geo.* IV. *c.* 55, which repealed the 35 *Geo.* III. *c.* 29, did not contain a clause similar to the 40th section of the 35 *Geo.* III. it was considered that a rector, vicar, or curate could not vote at an election for a county of a city or county of a town, unless he had duly registered his freehold. (*b*)

General observations.

The general observations as to the detail of the several franchises, given above as to the county franchises, *Ante*, pp. 62 to 101, apply equally to those in counties of cities and towns, above mentioned, except the householder's franchise, No. 7, which alone, therefore, we have treated of at length.

VI. *The Corporate Franchises.*

Honorary freemen.

No. 15.—Honorary freemen. The reform act distinguishes those who are admitted to their freedom *of right*, from those who are admitted at the discretion of the corporation of the place; and these latter, under the denomination of honorary freemen, are excluded from the elective franchise unless admitted on or before the 30th of *March*, 1831; *s.* 9.

(*a*) *See above, pp.* 60, 61, *and* 118 (*b*) *O'Loghlen on Elect.* 66, *note* (*b*).

Admission is an essential requisite to this franchise, and occasionality was formerly a valid objection to it; but the practice of admitting occasional freemen, was checked by the *Durham* act (3 *Geo.* III. *Eng. c.* 15,) as in *Ireland*, by the 4 *Geo.* IV. *c.* 55, *s.* 32, which enacted that no person should be admitted to vote as a freeman, whose freedom had not come to him by service, birthright, or marriage, unless he was elected or admitted to his freedom, or his freedom granted to him *six calendar months* at the least before the teste of the writ for holding the election.

The *Durham* act, it was decided, did not apply to *capital burgesses* (*a*): and it was held also, that, *since* the act, the objection of occasionality did not lie against freemen made more than the specified time before the election, even where it was admitted that the voters were made for the purpose of voting at the election. (*b*)

No. 16. Freemen by birth. This franchise may, according to custom, subsist under various modifications. It may be in all the sons of a freeman born after he was admitted to his freedom, as in *Derby*, or in their *eldest* sons only, as in *Limerick*. Freemen by birth.

A very material question arises upon this franchise, viz. whether it will vest in the son of a freeman who was not himself entitled to be an elector; for instance, in the son of one admitted to honorary freedom since the 30th of *March*, 1831? The English reform act, 2, 3 *Will.* IV. *c.* 45, *s.* 32, expressly provides, "that no person shall be entitled as a burgess or freeman in respect of birth, unless his right be originally derived from or through some person who was a burgess or freeman, or entitled to be admitted previously to the 1st of *March*, 1831, or from or through some person, who, since that time, shall have become, or shall hereafter become a burgess or freeman in respect of servitude." There is a difficulty in supposing that a person not himself an elec-

(*a*) *Harwich*, 1 *Peckw.* 400. (*b*) *Bedford*, 2 *Ld. Glenb.* 87.

tor, nor entitled to be so, can leave his posterity in a better situation than he himself was (*a*); and perhaps, this clause in the act for *England* may be considered merely declaratory of a necessary consequence of the previous enactment.

Freemen by marriage.

No. 17. Freemen by marriage. This franchise usually is, that all those who marry *the daughters* of freemen are entitled.

This franchise is subject to a question similar to that upon the franchise by birth, viz. whether marrying the daughter of a freeman, who was not an elector, or entitled to be so, can confer the right? The reform act for *England* does not mention this franchise at all, but some of the older acts do, as 3 *Geo.* III. *Eng. c.* 15, *s.* 1. Whatever rule governs the franchise by birth must, obviously, rule this also.

Freemen by service.

No. 18. Freemen by service or apprenticeship. This franchise usually is, that persons, who have served a certain term, as *seven* years', apprenticeship to freemen, are entitled.

If the freeman, to whom the apprenticeship was served, was not himself entitled, as such, to the elective franchise, will the apprentice be entitled? If the master was not a freeman at the time the apprenticeship commenced, but obtained it subsequently, will this confer the franchise? These are questions on which I have not found any governing authority; the latter, it seems, must be a question whether the custom or prescriptive right embraces the case, which is a question of fact to be determined by the usage.

The franchise was—"being apprentice to some burgess or burgesses, dwelling in the borough, by the space of 7 years;" a person was bound to three partners, one only of whom was a burgess. He resided for five years only, and then left the town, but the trade continued to be carried on in the names of all, the other two residing, and each had a share in the profits. Held a good vote. (*b*)

An apprentice bound to a freeman, resident only oc-

(*a*) *See Worcester*, 3 *Ld. Glenb.* 169. (*b*) *Derby, Handcock & Mattock's case*, 3 *Ld. Glenb.* 159.

casionally, and whose service is performed at another place, is not entitled. (*a*)

A *quaker*, who had served an apprenticeship of seven years, was held entitled to be admitted upon his solemn affirmation. (*b*)

A bye-law of a corporation enacted, that no apprentice should be entitled to freedom unless he should 4 months after the date cause the indentures to be enrolled by the town clerk; it was contended in *Rex* v. *Marshal*, that such bye-law could not alter the ancient constitution, (*c*) but no opinion was given by the court on this point. It is said that in *Limerick* the corporation now refuse to admit, unless the indentures are enrolled in the town clerk's office, within six months after they are passed; but as it never was the custom to do this, (*d*) it is doubted whether there is even sufficient ground in fact to raise the objection. And now the statute 4 *Geo.* IV. *cap.* cxxvi, having declared the right, without qualification, any bye-law of the kind, attempting to qualify or restrict the franchise must be wholly void.

General observations.

Residence at time of admission.

Residence is frequently made a qualification to the corporate franchise in its origin, as at *Derby* (*e*), and in *Ireland* by the 10 *Hen.* VII. *c.* 7. it is enacted that no city or great town admit any person to be alderman, juror *(f)*, or FREEMAN, but such as have been prentice, or been *continually inhabit* therein.

Afterwards by the 21 *Geo.* II. *Ir. c.* 10. *s.* 8, which recites the difficulty of getting fit protestant *inhabitants* to elect into the office of burgesses and other *offices*, it is enacted, that no person elected and admitted into any of the *said* offices or franchises in any town corporate or borough, *not being a city*, shall be ousted of any such office or franchise as aforesaid, by reason only of his not being an inhabitant of or resident within such town corporate or borough at the time of his election.

(*a*) *Rex* v. *Marshall*, 2 *Durnf.* & *E.* 2.
(*b*) *Rex* v. *Morris*, *Carth.* 448; 1 *Ld. Ray.* 337, 5 *Mod.* 402.
(*c*) 2 *Durnf.* & *E.* 3.
(*d*) *Rep. Ir. Bound. Comm. p.* 91.
(*e*) 3 *Ld. Glenb.* ; *Rex.* v. *Marshal*, 2 *Durnf.* & *E.* 2.
(*f*) *i.e. semble, jurate*; a sworn assistant to the mayor or other chief officer, for the government of a corporation, being in the nature of aldermen, *Cow. Interpr. voce* "*Jurats.*" *See Ante, p.* 22.

This act, expressly, does not relate to *cities*, and it seems also not to relate to the mere franchise of a *freeman;* for that is not an *office*, and, as I understand the act, it applies only to elections and admissions to corporate offices.

And according to this construction was the decision in the case of the city of *Waterford* (*a*), where it was shown "from the general law of *Ireland* as enacted by stat. 10 *Hen.* VII. *c.* 7., and by 15 *Hen.* VII. *c.* 4.," (I do not find any such act,) "from the charters, bye laws, and usages of the city of *Waterford*, and from the return made by the corporation themselves to a writ of *mandamus*, issued *July* 4, 2 *Geo.* III., that persons, claiming to be admitted free of the city, must be resident therein, or in the liberties thereof, at the time of their claim and admission."

So also in the case of the city *Limerick* (*b*); and the franchise as to this city is further established by the act 4 *Geo.* IV. (*Publ. Loc. & Pers.*) *cap.* cxxvi. (*c*)

In the case of *Wexford* also (*d*), where the corporation had accepted a charter from *Jac.* I. in which freemen *residing* in the town were made the "community," although residence had not been required as a qualification on admission, for 40 years, the committee held that freemen not resident at the time of their admission had no franchise.

Non-residence may be established, by showing that the addition of place, annexed to the voter's name in the entry of his admission, is without the limits of the borough (*e*), that being *primâ facie* evidence of non-residence.

So evidence of an old witness that the voter did not reside in the town within his memory, reaching back to the time of admission, was held sufficient, although not positive in all respects. (*f*)

But, it seems, the objection is removed, if it be proved that the voter was sworn a member of the corporation more than six years before the election. (*g*)

(*a*) 1 *Peckw.* 217, 240.
(*b*) *App.* II.
(*c*) *App.* I. *Part* iv.
(*d*) *App.* II.
(*e*) *Wexford*, *App.* II.
(*f*) *Ibid. Devereux's case.*
(*g*) *Ibid. Roper's case.*

A person having prior connections with a borough town, previously to his election to the office of bailiff, for which residence was a necessary qualification, took a house at first for four years, but afterwards, at his landlord's request, for one, and slept there one night before the election, and did not return again for nearly a month afterwards, when he stayed two days, but retained possession of his house under his lease the whole time; the taking of the house appearing to the court to be *bonâ fide*, that was held a sufficient legal residence to satisfy the qualification required. (*a*)

Residence required by the reform act.

Now, also, by the 2, 3 *Will.* IV. *c.* 88. *s.* 9, *& Sched. C. No.* 9, in all cases, the party must have been, for the last six months previously to his registry, a resident within the city or town, or within 7 statute miles of the usual place of election; and the right of voting is conferred so long only as he shall so reside.

Election.

Where the admission depends on election, the legality of the election is material.

Batches.

Freemen elected by *batches*, i.e. a separate question not having been put upon the admission of each, are unduly elected; and the votes cannot stand, unless it be shown that the defect has been subsequently cured. It will be inferred, too, that they were elected in a batch, if all the names be contained in a single entry of admission. (*b*)

In the case of the city of *Kilkenny*, *February* 1778, it was stated that in a former case of the corporation of *Wexford* it had been determined that freemen could not be admitted in a lump. In the *Kilkenny* case, the evidence was somewhat contradictory; but that given on the part of the sitting member, upon which the committee resolved, "that the mode of proceeding at the assembly did not invalidate its acts," was as follows:—an alderman produced a list of gentlemen to be made free, and said he hoped it would be agreeable: he was seconded, and the list was read until the town clerk came to some names

(*a*) *Rex* v. *Sargent*, 5 *Durnf. & E.* 466. (*b*) *Wexford*, *App.* II.

who were not agreeable, then one was struck out by consent, &c. and the list was read over again after the disagreeable names were erased; and the question was put whether the names, (remaining after the alteration,) should be entered; some said "Aye" and there was no negative.

Mere length of time will not cure the defect, nor the having acted as freeman in elections, or otherwise, more than six years before, where it appears that the party has been *sworn* as a freeman within six years, and no proof is given of his having been sworn before (*a*); for the recent swearing furnishes a presumption that he was not sworn before; and this was held to be rebutted only by proving that certain persons so sworn had been actually sworn more than six years before. But that being done, it seems, the objection to a "batchman" is removed.

Presiding officer.

Again, the legality of the admission will depend on this:—the presiding officer must not only be in possession of the office *de facto*, but he must be entitled to hold it *de jure*. The vote has been deemed bad, too, when a corporator was elected at a meeting, for which there was no summons of the corporation to elect him, and which had been summoned for another purpose. And where the charter required that a corporator should be elected within eight days after the death of his predecessor; an election, not upon a *mandamus*, after that period, was held void. So where the predecessor, who had gone abroad, was not regularly amoved; and where some of those who had elected, had no title their offices (*b*), unless the major part were qualified to elect. (*c*)

Summons, &c.

Foundation of the six years title.

Under the statutes respecting writs of *quo warranto* (9 *Ann. Eng.* c. 20, 19 *Geo.* II. *Ir.* c. 12,) the Court of King's Bench refused to grant the writ where the corporator was in possession of his franchise for 20 years; and they afterwards abridged the period to six years (*d*), but as the rule did not bind the Crown, it was enacted (32 *Geo.* III. *Eng.* c. 58, 38 *Geo.* III. *Ir.* c. 2,) that defend-

(*a*) *Ibid.*; *Codd's case, &c., and St. George's case.*
(*b*) *Thetford case, Male on Elect. Durnf. & E.* 282, 284. 202.
(*c*) *Glasgow case*, 2 *Peckw.* 381.
(*d*) *Rex* v. *Dickin, & Reg. Gen.* 4.

ants to such informations may plead the holding the office or franchise for six years before the exhibiting of the information, to be computed from the day on which the defendant was actually admitted and sworn into such office or franchise. And it is further provided, (38 *Geo.* III. *s.* 3) that if the party shall derive title under an election, nomination, swearing into office, or admission by any person or persons, his title shall not be defeated by defect of title in the person electing, nominating, swearing into office, or admitting, if such person was in exercise *de facto* of the franchise or office for six years previous to the filing of the information, and his title not questioned by any legal proceeding carried on with effect.

The general requisites to a complete corporate title consist of,

1. Admission.
2. Being sworn.
3. Stamp on entry &c. of admission.

Admission.

By usage, one may be a freeman by right, without admission;—thus it was resolved in the case of *Sudbury*, (A. D. 1703) "the sons of freemen born after their fathers were made free, and such as have served seven years apprenticeship in the borough had a right to vote without any admission in form, to their freedom, or taking the oaths of freemen;"—in *Guildford*, (A. D. 1711,) "that one, who has served a seven years' apprenticeship in the town to a freeman, is *ipso facto* a freeman." (*a*)

By the *Durham* act (*b*), the admission must have been a year before the election, except in respect to persons entitled to their freedom by birth, marriage, or servitude; although the entry upon stamp was held to be sufficient at any subsequent period, even during the poll, if prior to the voting (*c*), but not after. (*d*)

Persons within the exceptions in the *Durham* act

(*a*) 1 *Ld. Glenb.* 271, 2; 2 *Ld. Glenb.* 133.
(*b*) 3 *Geo.* III. *Eng. c.* 15.
(*c*) *Cardigan*, 3 *Ld. Glenb.* 288. 208.
(*d*) *Drogheda*, *Corb. & D.* 109.

were held qualified, though admitted after the teste and issuing of the writ of election. (*a*) "It was admitted on both sides, in the *Bristol* case, that if the votes of those persons who were admitted to their freedom after the teste of the writ, ought to be struck off, Mr. *Brickdale* would have a clear majority over Mr. *Burke*, and *vice versâ*." The determination of the committee, therefore, by declaring the latter to be duly elected, established the validity of those votes; "which decision," the reporter adds in a note, "would probaby establish the general validity of votes to which the only objection was, that the admissions were after the teste of the writ." (*b*) Where it appeared that many persons were admitted to their freedom immediately previous to, and during the election, whose admissions were paid for by an agent of the sitting member, the sitting member was, nevertheless, declared duly elected. (*c*)

Due diligence.

A new rule has been established of late years, in conformity with certain decisions of courts of law, with respect to freemen, who, having been improperly admitted, have been suffered to remain members of the corporation, the legal means for ousting them not having been adopted. Formerly it was allowed to the opponents by whom their votes were disputed, *either* to prove a corrupt admission, *or* due diligence to oust them of the franchise; and in either of those alternatives the votes were rejected. But it now seems to be established, that due diligence must be used, by an application to the King's Bench, if there has been time, to enforce an ouster by *quo warranto;* and that a committee will not try incidentally a question of right for the direct decision of which there exists a court of competent jurisdiction. (*d*)

In the case of *Weymouth* (*e*) objection was made to the votes of three capital burgesses who had been elected 20 years before and had continued to exercise the franchise; it had lately been discovered that previously

(*a*) *Bristol*, 1 *Ld. Glenb.* 245, 288, note *c.*
(*b*) 1 *Ld. Glenb.* 260, 288, 289.
(*c*) *Worcester*, *Corb. & D.* 173.
(*d*) *See Sheph. on Elect.* 40, & 1 *Peckw.* 479.
(*e*) 2 *Peckw.* 229.

to their election, the number of capital burgesses had been reduced to less than half their original number, 24, and therefore the Court of King's Bench had been clearly of opinion that the corporation was dissolved. (*a*) The committee refused to hear evidence to impeach their votes.

The committee in the *Harwich* case (*b*) refused to question the title of a capital burgess who had been in possession of his franchise 4 years, and no effectual step had been taken to remove him, although, as appeared in another case (*c*), proceedings had been exhibited against him, and the cause was prevented from being tried at the assizes before the election, principally from a press of business; and they even declined to examine an allegation that the entry of his election was fraudulent.

In the *East Retford* case (*d*) a voter, objected to, had been admitted nearly six years before the election, *by redemption;* after the election, and within the six years, an information in *quo warranto* was filed against him, to which he pleaded a title as the eldest son of a freeman; the committee refused to go into the question of his title.

However, the committees, in the cases of *Bedford* (*e*) and *Sudbury* (*f*), went into the right of freemen to their freedom, although they had been in possession long enough for a *quo warranto* to have been brought against them.

Reputation of being a freeman, and having acted as such within six years is not sufficient without proof of admission (*g*), but an old freeman who had voted in 1783, and 1793, was allowed to have had a vote in 1829, although there was no entry of his admission or swearing. (*h*)

The doctrine with respect to "due diligence" has been said to apply to those who, being entitled to their freedom, have not used the legal means for obtaining admission; and it is alleged that if there has been time to en-

(*a*) *Rex* v. *Morris*, 3 *East*, 213. *Rex* v. *Stewart*, 4 *East*, 17.
(*b*) 1 *Peckw.* 392.
(*c*) 1 *Peckw.* 478.
(*d*) 1 *Peckw.* 477.
(*e*) 2 *Ld. Glenb.* 81; 3 *Ld. Glenb.* 145.
(*f*) *Phillips*, 189.
(*g*) *Wexford App. II. Hore's case.*
(*h*) *Ibid. Sparrow's case.*

force admission by *mandamus*, the committee will not try the right. (*a*) But this proposition appears too general.

It is clear that where there is no time for the resort to legal proceedings, (as in the case of persons within the exception of the *Durham* act, being entitled to their freedom by birth, &c.) the committee will assume the decision; and persons of that description, therefore, having been refused their admission, or having delayed their demand for admission, till it was too late to enforce it by application for a *mandamus*, should nevertheless proceed to register their vote, and to obtain their admissions afterwards, as the committee upon proof of such facts have allowed the vote. (*b*) A voter was objected to as not having been admitted till after the election. He came to *Oakhampton* on *Sunday*, the day before the election, and applied that evening to be admitted a freeman under a bye-law of the corporation as eldest son of his father. It was said in his favour he applied as soon as he could: it was urged against him, that the mayor was not bound to hold a court on *Sunday*, and there was no opportunity of holding one on *Monday* before the election began. His vote was holden good. (*b*)

Another voter applied to the mayor to be admitted on the *Saturday*, just after the court had been held; he died soon after the election without being admitted, yet the committee held his vote good. (*c*) And when a *mandamus* was pending during the election, and the voter tendered his vote, and a verdict was afterwards found in his favor, the committee established the vote. (*d*)

The application ought to be made to those in whom the power of admission lies, and be accompanied with a tender of a stamp, or the amount of the duty, and an offer to perform all preliminaries requisite, as the taking of oaths, &c. Where the usage was for those who had served an apprenticeship, to a freeman to apply by peti-

(*a*) *Sheph. on Elect.* 40. 1 *Peckw.* 479.

(*b*) *Oakhampton*, 1 *Fras.* 166; *Shrewsbury*, 1 *Ld. Glenb.* 464, 470; *Derby* 3 *Ld Glenb.* 300, 567.

(*c*) *Oakhampton*, 1 *Fras.* 167,

(*d*) *Shrewsbury*, 1 *Ld. Glenb.* 644

tion to the corporation, in a corporate assembly, and a party, in 1826, presented such a petition to them, unaccompanied by a stamp, &c., and afterwards petitioned the mayor sitting alone, and tendered a stamp, &c., and proceeded by *mandamus* in 1829, it was held he was not entitled to vote. (*a*)

Being sworn.

One of the grounds of the petitioner's complaint in the *Drogheda* case, (*b*) was, that persons had been admitted to poll, who, either had not taken the freeman's oath, or had not taken it before the proper officer.

To W.'s vote it was objected, that the oath had been administered to him on the hustings by the town-clerk *alone*. The town-clerk had been in office six years, and had always administered the oath, sometimes before the mayor, at corporate meetings; sometimes when he was sitting at the Tholsel, sometimes at his own house, &c., and to several at the hustings. It was contended that a freeman must be sworn in before he can vote, and the oath must be taken before a competent officer; the swearing, though a ministerial act, must be before the proper corporate authority, although a corporate *meeting* is not necessary, except by direction of the charter. The committee resolved, that "freemen sworn in by the town-clerk, unaccompanied by any other authority are not entitled to vote as freemen of *Drogheda*."

But where the mayor and another corporate magistrate were supposed to be constructively present, the vote was allowed. They sat in a room, with folding-doors towards the court, constantly open, and were employed in administering oaths to freeholders; the town-clerk administered the oaths to the freemen openly at the table in the court, and one of the sheriffs stated, that, when on the hustings, he could see the mayor and the other magistrate administering oaths in the adjoining room. The committee resolved that the town-clerk was accompanied by a competent authority. (*c*)

(*a*) *Wexford, App.* 11.
(*b*) *Corb. & D.* 98.
(*c*) *Ib.* 99.

This committee required evidence to show that the freeman had been sworn, in all cases where the fact was not stated in the entry of the admission, but when the fact was properly recorded they assumed that he was properly sworn.

The usual entry was, "admitted and sworn." Another entry was, "admitted a free member *on the usual terms*." The town-clerk said this meant paying the usual fee, a fine of 20*s*., for taking the freeman's oath. Another voter, the entry of whose admission was in the same form, had obtained a stamped admission containing a certificate of his having taken the oaths under the corporation seal, and signed by the town clerk. The committee resolved that this certificate could not be received in evidence, in support of the vote in question. (*a*)

A certificate under the corporation seal, signed by the town-clerk, stating,—"Be it remembered that P. H. *at a general assembly*, took the usual oaths and was admitted,"—was held sufficient evidence, although it was objected that it did not show that the town-clerk was accompanied by a proper authority, nor mention where or in what manner the oath was administered. (*b*)

A voter elected a freeman in 1803, and sworn into a corporate office (burgess) in 1813, was held good, although there was no entry of his having been sworn a freeman. (*c*)

So service of the office, either of mayor, alderman, sheriff, or common councilman, was received as evidence of having *been sworn in*. (*d*) And where several persons had been sworn in six years before the day on which they polled, the Committee resolved, that they could not receive evidence to impeach their corporate rights. (*e*)

Stamps.

The freemen of a corporation regularly ought to be admitted and enrolled in the corporation books, and the entry of admission stamped, but such evidence of the

(*a*) *Corb. & D.* 101.
(*b*) *Ibid.* 105.
(*c*) *Wexford. App.* II. *Roper's Case.*
(*d*) *Drogheda, Corb. & D.* 106.
(*e*) *Evesham, Corb. & D.* 51. and see *ante, pp.* 125, 126.

admissions enrolled on stamps is not always required; and where persons derived their claim to their freedom from the antecedent title of birth,—had exercised all the rights of freemen, and that of voting for members of Parliament among the rest, for twenty years and upwards before the last election,—and had demanded to be enrolled, (and offered to prove that at their birth their fathers exercised and enjoyed the rights and franchises of freemen,) but were refused,—it was held they had a right to vote, though they could not produce evidence of their admission enrolled on stamps." (*a*)

A stamped admission, though not on the corporation books may be received in evidence; as where it appeared to have been the custom, for the town clerk to keep the stamped admissions together in a roll, instead of putting them in the book of the corporation. On this roll the admission of the voter was entered, on a proper stamp, corresponding with the entry of the voter's admission in the corporation books. It was resolved—"That the admission of the voter appeared to have been entered on stamped paper, according to the provisions of the act of parliament." (*b*) So where stamped admissions, kept on a file, had been afterwards sewn together in one roll, they were received as within the provisions of the Stamp Act. (*c*)

Proof of admission, with the service of a corporate office, is evidence of admission under a stamp. Where it appeared the voter had been admitted, but no stamped entry of admission was produced, his service of the several offices of mayor, alderman, and sheriff, was holden sufficient evidence of the stamping. (*d*)

A freeman was admitted in 1795, and sworn, at the election, in 1829. A few days before the election, the mayor, (to whom the town clerk had handed the corporation book,) was required to have the book delivered to

(*a*) *Sudbury*, 2 *Ld. Glenb.* 132, 175, 6, *Worcester*, 3 *Ld. Glenb.* 248.
(*b*) *Evesham*, *Corb. & D.* 51.
(*c*) *Drogheda*, *Corb. & D.* 109.
(*d*) *Ibid.*

the distributor of stamps, to have the stamps affixed to various unstamped admissions. The mayor and town-clerk both refused to interfere, and separate stamps were then purchased; and, these being produced to the committee, the vote was held good. (*a*) And the purchase of the stamp was held sufficient, although the officer, who held the book, was not informed of the party's name whose admission was unstamped, and the person who required the mayor to hand over the book was not authorised thereto by the individual freeman. (*b*)

Where a burgess, elected more than six years before the election, was not sworn until within six years, the want of a stamp upon the entry of his admission as a freeman, it was held, was not cured. (*c*) So a freeman admitted in 1813, but not sworn. (*d*)

Resignation.

A corporator had tendered his resignation to the mayor before the election; the mayor had kept the tender in his pocket, and had not called a meeting for the purpose of *accepting* it, and the vote was held good. (*e*)

Dissolution of the Corporation.

It is not necessary that a corporation should remain entire in all its parts, to exercise the right of voting; as, where the mayor and all the aldermen but one were gone, and there remained but the alderman and 5 freemen, they were held entitled to vote. (*f*)

Rights said to prevail in the several cities and towns.

From the report of the *Irish* boundary commissioners, and the decisions which have taken place, it appears that the honorary franchise prevails generally, and the other corporate franchises, in the several counties of cities and towns, are stated (with one omission) to be as follows:—

Carrickfergus,—[Not stated].

Cork,—Eldest sons of freemen; and apprentices who have served freemen for seven years. (*g*)

Drogheda,—Sons of freemen, entitled by birth; and apprentices of freemen, entitled by servitude. (*h*)

(*a*) *Wexford, App.* II. *Hall's case,*
(*b*) *Ibid. Gainfort's case.*
(*c*) *Ibid. Evans's case.*
(*d*) *Ibid. Horton's case.* See further in the case of *Coleraine*, a note of which shall be inserted in *App.* II. if I can procure it in time.
(*e*) *Banbury case, Male on Elect.* 202.
(*f*) *Helleston case*, 2 *Ld. Glenb.* 25, *and see Male on Elect.* 315.
(*g*) *Rep. Ir. Bound. Comm. p.* 37.
(*h*) *Ibid. p.* 45.

DUBLIN,—"Freemen who pass through the guilds cannot vote at elections until they have been confirmed by the common council. Birth and servitude (*a*) are considered as inchoate rights, but the common council have the power of rejecting persons claiming under them, even after they have passed through the inferior guild. They also exercise the right of making freemen at large or freemen of the city, independent of any guild." (*b*) It seems, that though there may be an inchoate right to be free of the inferior guild, there is none as to the corporation at large, all the freemen of which (and in such only is the elective franchise) must, therefore, be honorary: *Ante, pp.* 43, 44; except those claiming by statute as next to be mentioned.

GALWAY,—The corporation, by the charter, was composed of various guilds or societies of trade. But the franchise under the 4 *Geo.* I. (which shall presently be mentioned,) having offered an easy access to Protestants, without the fine of 20*s.*, or proof of apprenticeship, which were necessary in the guilds, and the 1 *Geo.* II. *Ir. c.* 9. *s.* 7, having wholly disfranchised Roman Catholics, the guilds fell into disuse and ceased to exist. There have been associations called guilds, formed in 1793 by the Roman Catholic traders, with a view to revive the old institutions, but they have not been recognised by the corporation. There are no freemen by birth or service and all the freemen are honorary, except those claiming by statute. (*c*)

KILKENNY,—The privilege of freedom is in the sons, sons in law, and apprentices of freemen, without restriction as to number, and is, besides, extendible by favour to others, at the pleasure of the corporation. (*d*)

LIMERICK,—The eldest sons of freemen,—and persons who have married the daughters of freemen, and persons who have served 7 years apprenticeship to freemen.

(*a*) "Marriage" ought to have been added.
(*b*) *Ibid.* 51, 52.
(*c*) *Ibid. p.* 77.
(*d*) *Ibid. p.* 81.

WATERFORD,—"The inhabitants of the city, who shall be free by birth, marriage, or apprenticehood." (*a*)

Freemen by statute.

No. 19. The franchise of freemen by statute, which the reform act preserves, had its origin in two sources, which it is proper to mention separately.—The first arises by the 14, 15 *Car.* II. *Ir. c.* 13, amended (for a time by the 4 *Will. & M. Ir. c.* 2, and 2 *Ann. Ir. c.* 14, and finally,) by the 4 *Geo.* I. *Ir. c.* 9.—The second comes from the "New Rules" 25 *Car.* II. made in pursuance of the 14, 15 *Car.* II. *Ir. c.* 2, *s.* 185, and 17, 18 *Car.* II. *Ir. c.* 2, *s.* 82.

Statute of 13, 14 *Car.* II.

The 14, 15 *Car.* II. *Ir. c.* 2. (A.D. 1662,) sets forth the decay of trade and manufactures in *Ireland*, and the desire of the legislature to induce *strangers* and *others* to transport themselves and families into the kingdom by making them partakers of its privileges; and it enacts (*s.* 1,) that every person born out the king's dominions, of the *Protestant* religion, and *all* merchants, traders, and dealers, in any goods, wares, or merchandizes, artisans, artificers, or others working or manufacturing any goods or commodities, or any mariners or seamen, who were then inhabiting in the kingdom and all others who should *within seven years* transport their stocks and families into the kingdom with intent that themselves and children after them should reside, should, after taking the oaths of allegiance and supremacy, &c., as thereby directed, be deemed the king's *natural subjects*. The 2d section enacts, that every person and persons, as well *strangers* and *aliens*, as his majesty's *subjects* of the *Protestant* religion, being traders, artisans, artificers, seamen, or otherwise skilled in any mystery, craft or trade, or in the working or making any manufacture or art of navigation, then residing or who should *at any time thereafter* come into any city, borough, privileged and incorporated town or place, with intent there to reside, should, upon reasonable suit or *request* made, and upon *payment* down or

(*b*) *Ibid. p.* 134.

tender of 20*s*., by way of fine, to the chief magistrate or magistrates and common council, or other persons authorised to admit and make freemen of such city, town, or corporation, be admitted a freeman. It adds, that every such person so admitted to be free shall thenceforth be deemed *denizen*, and, by *s*. 3, it is provided that all strangers, artificers, and others, to be admitted freemen as aforesaid, *before* he or they be *admitted*, shall take the oaths of *supremacy* and *allegiance*, and also the oaths *accustomably taken by freemen* of the city, &c. and shall *pay*, bear and sustain such offices and *charges* as freemen bear and pay. It is also (*s*. 4,) made penal to refuse to admit them, and every trader, artificer, artisan, workman or seaman, so denied to be admitted, upon tender by him made of 20*s*. by way of fine as aforesaid, and taking the oaths of supremacy and allegiance as aforesaid, before any justice of the peace of the county next adjacent to such city, town, or corporation, or wherein it is situated, shall thereupon, by virtue of this act, be deemed and taken to all intents and purposes to be a freeman of such city, &c. in as large and ample manner as if he had been admitted a freeman thereof, taking the usual oaths, (which any justice of peace near adjoining shall have power to administer,) and bearing and sustaining all such offices and charges aforesaid.

This act, as to the *naturalising* the strangers thereby intended to be naturalised, had continuance only for seven years, and so much of it as had expired was revived and continued for 7 years by the 4 *Will. & M.* (A.D. 1692); and again, by the 2 *Ann.* (A.D. 1703,) the said act and every clause therein, "so far forth as the same concerns or relates to the encouraging of *Protestant strangers*," was revived for 5 years; and finally, by the 4 *Geo.* I. (A.D. 1717,) the said act and every clause therein, "so far forth as the same concerns or relates to the encouraging *Protestant strangers*," other than the clause which exempted them from payment of excise, is revived, and shall be in

full force to all intents and purposes for ever. The 3d section enacts that the freedom of the city, borough, or town corporate shall not be of any use longer than while the party shall dwell or reside therein. The 4th section exempts Protestant strangers, so settling, from corporation taxes and offices for seven years.

It will be observed that the clauses conferring the freedom of cities, towns, and boroughs, were *permanent* enactments. The 1st and 7th sections, of the 14, 15 *Car.* II., as to naturalisation, plainly applied to persons not Protestants, though they are perpetuated as to Protestant *only*. The words of the 2d section seem equally plain—"as well strangers and aliens, as his majesty's subjects of the Protestant religion;"—and by these the act offers a franchise to strangers and aliens of every religious denomination, although it extends to those only of the king's subjects who are Protestants.

The new rules.

The statutes 13, 14 *Car.* II. *c.* 2, and 17, 18 *Car.* II. *c.* 2, which authorised the making of new rules for the better regulation of cities, walled towns, and corporations (both new and old) did not restrict the powers they conferred by any provision as to the creed of the corporators; and the new rules themselves, which, in the detail, are very similar to the above mentioned provisions of the 14, 15 *Car.* II. *c.* 13, apply to "all *foreigners*, *strangers*, and aliens, as *well others as Protestants*." Upon this, questions have been raised, whether "foreigners" and "strangers" might not mean something different from "aliens," and include persons in the king's allegiance, born out of *Ireland*, and even such *Irish* as did not belong to the city, town, borough or liberty, and came from other parts of the country to settle there. The better opinion, however, has been unfavourable to such a construction. I am in possession of a very perspicuous opinion, upon the nature of the franchise, and the safest mode of proceeding to establish it, given by Mr. Serjeant *O'Loghlen*, and I gladly avail myself of the opportunity to abstract it.

I. Aliens and foreigners, not being subjects of his ma-

jesty, (save so far as the act makes them liable to be considered as such,) and being such persons as are described in the 14, 15 *Car.* II. and the new rules, are entitled to the freedom during their residence.

II. *English* and *Scotch Protestant* traders, &c. [and so, also, Protestant traders, &c. from *Wales, Guernsey, Jersey, Alderney, Sark, Mann,* or the colonies] who have settled in the city, &c. and reside therein, are entitled to their freedom during their residence.

III. *Irish Protestant* subjects (being traders, &c), who have come from places without the liberties of the city, &c. to reside in the city, &c. with their families, are entitled to their freedom during their residence.

IV. The acts, &c. do not entitle Roman Catholic *subjects* to these rights, nor do the provisions of the relief act, 10 *Geo.* IV. *c.* 7, enable them to attain them. The relief act removes disabilities, but does not confer rights.

V. Roman Catholic foreigners are so entitled, the words of the act of *Car.* II. and the new rules including them, and the relief act removing all disabilities by reason of refusing to take the oath of supremacy, &c.

Every person claiming his freedom in this right should present a petition to the council or body in the corporation to which the petitions of the other freemen are presented, and who are in the habit of admitting freemen. This should be accompanied with a tender of 20*s.* A petition should also be presented to the mayor, &c.: the tender of the 20*s.* may be repeated. The party should also apply to the town clerk, and tender to him the fine of 20*s.* and the stamp duty, and require him to enter the name of the applicant on the roll and give a certificate of his admission, the applicant offering to take the oath of allegiance, and the freeman's oath.

If the corporation shall refuse to admit him, he should go to a magistrate of the adjoining county, tender the 20*s.* and take the oath of allegiance (and also the freeman's oath). Having done so, he should get a certificate of his having done so from the magistrate, and should

again tender to the town clerk the stamp duty on admission, and require to have his name entered on the roll.

The right may be tried in several ways:—

The mayor or persons exercising the power of admission, and entitled under the charter to admit, forfeit for every refusal 100*l.*; which is recoverable in a *qui tam* action.

The person so entitled to his freedom should refuse to pay toll, and insist on all the other rights of a freeman; and an action to try the right to make him pay toll would determine his right to his freedom.

Although the Court of King's Bench will not grant a *mandamus*, where the party has another remedy, and it may be argued that here, as the claimant, by doing certain acts, can complete his title to his freedom, the court ought not to interfere, still as there are acts (*a*) which seem to require an actual admission in order to entitle a person to vote for a member of parliament, a *mandamus* ought to be granted to assist the party so entitled to his freedom and refused his admission.

A rule *nisi* for a *mandamus* was obtained on behalf of a Protestant subject to be admitted in this right, in the case of *Rex* v. *The Mayor, Sheriffs, and Common Council of the city of Cork*, *E.* 1831. The corporation obtained rules, from time to time, postponing the argument; the applicant was a mariner, and had been settled in *Cork* for several years as a merchant and trader; he had presented his petition to the mayor stating his claim and praying to have the oaths administered to him, and repeated the request, tendering the amount of the fine and stamp duty, it being the practice in the corporation to pay the stamp duty to the mayor on admission; he had also presented a like petition to the mayor and common council (who exercise the right of admission) and again made the tender; and he made a similar application to the mayor and corporation at large assembled in their

(*a*) 4 *Geo.* IV. *c.* 55. *s.* 32; 35 *Geo.* III. *c.* 29, *s.* 29.

court of *D' Oyer Hundred;* he appeared there in person and stated his claim, and one of the sheriffs having pushed him out of the court, he brought his action for the assault (*Palmer* v. *Sir Thomas Deane*) which was tried at the summer assizes 1831, for the city of *Cork*, before *Foster B.;* the learned judge was of opinion that the plaintiff had no right to enter the court of *D' Oyer Hundred*, not being a freeman (*a*), and therefore that the defendant, as sheriff, assisting the mayor, was justified in using force to turn him out of court; and a verdict was found for the defendant. He made up a judgment for double costs; *Palmer* was imprisoned, and afterwards died of cholera.

This franchise was distinctly acknowledged in the *Wexford* case (*b*), and stated by the committee to be "that all persons admitted to freedom by virtue of the 14, 15 *Car.* II. *c.* 13, or by virtue of the new rules, are entitled to vote according to the directions of the said act and new rules." See also the *Coleraine* case.

The Galway franchise.

There is another source of freedom by statute which is peculiar to the town of *Galway*. By the 4 *Geo.* I. *Ir. c* 15, *s.* 5, all persons, who profess themselves of any trade, mystery, or handicraft, that do, or shall come to inhabit dwell or reside in the said town, in order to follow their respective trades, shall, and are thereby declared to be free of the town and corporation, &c., so long as they inhabit or dwell in the said town and no longer, and are freed from corporation taxes, &c. for 7 years. By the 6th section it was provided, that no persons should have the benefit of their freedoms as aforesaid, unless they had been professed Protestants for 7 years, or upwards, next before demanding their freedoms pursuant to this act; and should also take the usual oaths of freemen, and the oaths of allegiance, supremacy and abjuration, and make the declaration against tran-

(*a*) *Palmer* had some years before taken the oaths &c. before a justice of the peace for the county of *Cork*, but it did not appear that he had done so *after* he had made his application and tender to the mayor and council, and had been refused.

(*b*) *App. II.*

substantiation. The 33 *Geo.* III. *Ir. c.* 21, having enacted (*s.* 1) that Roman Catholics should not be subject to any disabilities or incapacities save such as Protestants were liable to, it was contended, that, by the operation of that act, Roman Catholic traders &c. in *Galway* became entitled to their freedom. But the Court of King's Bench refused a *mandamus* to compel the mayor to administer the freeman's oath, or admit the party. (*a*)

But now by the 1, 2 *Will.* IV. *c.* 49, so much of the former act of the 4 *Geo.* I. as requires that persons claiming their freedom, or being admitted thereto, should have been professed Protestants for seven years, is repealed; and Roman Catholics, in addition to the usual oaths of freemen, shall take the oath in the 10 *Geo.* IV. *c.* 7, instead of those mentioned in the 4 *Geo.* I.

Stamps.

Further to facilitate the acquirement of these franchises by statute, the 2, 3 *Will.* IV. *c.* 91 enacts, (*s.* 1) that such freemen shall be admitted to such freedom upon payment of the same duty as all other freemen by right are admitted, that is to say, on payment of the duty of *one pound*, only; but subject, (*s.* 2,) to the same penalties as the others. See the preamble to this statute, the 56 *Geo.* III. *c.* 56, and the annual indemnity act.

When the right of voting accrues.

A question may be raised upon this franchise which it is right here to mention.

The 9th section of the reform act enacts that all persons now by law entitled to vote, &c. and who by virtue of any *statute* now in force shall be at any time hereafter admitted to their freedom, &c. shall, after such registration as is directed by this act, but so long only as they shall reside, &c. have and enjoy such right of voting, *as fully and in like manner as if this act had not been passed;* and, upon this, the 4 *Geo.* IV. *c.* 55. *s.* 55, may be referred to, which enacts, that if at any election it shall appear to the returning officer that any person is not a freeman, or (unless the freedom of such person shall have

(*a*) *Rex* v. *Mayor of Galway, K.B. Ir., H.* 1821. *MSS.*

come to him by service, birthright, or marriage,) that he has not been admitted to his freedom, *six months* at the least before the teste of the writ for holding such election, then he shall reject the vote; and it may be urged that a person, admitted to his freedom by virtue of a statute, cannot be registered, unless he has been so admitted for six months.

But, in the first place, if any objection of the kind did arise upon the above sections, it could not be taken upon the registry. The reform act, *s.* 9, does not postpone the time of *registry*, in the cases of freemen, as *s.* 13 does in the case of those who are registered in respect of lands, &c. (with certain exceptions) until after a possession of six months; and what it limits, to be enjoyed in like manner as if the act had not passed, is the right of *voting:* so that, at the utmost, nothing can be contended for beyond an objection to the party's *voting*, in this case, until six months after his admission; and even this objection will be found unsustainable. For,

1st. The 29th section expressly entitles *every* person, registered as a voter within this act at the first session, *forthwith* to vote at any election, and the 55th section re-enacts former laws so far only as they are not altered by this act.

2dly. The statute franchises really are not embraced by the enactment of the 4 *Geo.* IV. *s.* 55, at all, or, rather, fall within the exception to that clause; "freedom by *service*" is one of the excepted cases, and it appears that the statute franchises, founded as they are upon the exercise of a trade, mystery, or handicraft, manufacture or art, have been considered as equivalent to title by apprenticeship,—and, if so, freemen by statute, being freemen by service, could have voted immediately upon their admission. Such construction is founded upon the reason of the law contained in the 4 *Geo.* IV. *c.* 55. *s.* 55, which was to prevent occasionality, an objection applicable to honorary freemen only, and not to those who claim their freedom by right. This view of the law has received a legislative recognition by the act before referred to 2, 3

Will. IV. *c.* 91, which states in its preamble that by the 56 *Geo.* III. *c.* 56. the stamp duty, where the admission is in respect of birth, *apprenticeship* or marriage, is 1*l.* and on any other ground 3*l.* and that at all times since the enactment of the said statute, "alien and foreigner, and his majesty's subjects, who by virtue of being engaged in any trade, mystery, or handicraft are, by any charter, bye-law, usage, or statute, entitled to claim or take up the freedom of any corporation or company in *Ireland* as of right, have been *universally deemed*, reputed, and considered as *persons claiming or taking up freedom by right of apprenticeship*, and by reason thereof have been uniformly admitted to their freedom on payment of the duty of 1*l.* each," and that *doubts* had lately arisen as to their right to claim their freedom upon the same terms and conditions and subject to the same *duty* as freemen claiming by right of apprenticeship, and that "for the better collection of the revenue, *and the more liberal enjoyment of the said franchise or privilege*, it is expedient that the said doubts should be removed."

If the true construction be not that this franchise stands on the same footing in all respects as that by right of apprenticeship, these anomalous consequences would follow, 1st, that an entire class of the electors by reason of statute must be taken as omitted altogether from the 9th section of the reform act, viz., those who were admitted to their freedom within six months before the passing of the act; because they are, according to the other construction, neither persons *then* entitled to vote, nor persons *thereafter* admitted; 2dly, that, in the case of registering at the quarter sessions, the party claiming by statute could not be entitled to exercise his franchise for *a year* after his admission; for the 29th section of the reform act, in that case, gives the vote only where the writ is tested six calendar months after the registry; and can it be contended, in that case, that the party must be admitted six months before such registry? That would be straining the re-enactment of the 4 *Geo.* IV. *s.* 55 very

far indeed; and if it cannot be urged to that extent in the one case, neither can it, fairly, in the other.

QUALIFICATIONS OF ELECTORS IN CITIES, TOWNS, AND BOROUGHS,

Not being counties of themselves.

By the 7th section of the reform act, a new franchise is established for all electors of a member or members to serve in parliament for any city, town, or borough, not being a county in itself, and this (as in counties of cities and towns) is vested in the occupiers of houses &c. of the annual value of 10*l.*

Discontinuance of the 40*s.* freehold franchise.

By the 8th section, no person shall be entitled to vote at any such election in respect of any estate or interest of *freehold, under the yearly value of* 10*l.* acquired by him since the 1st of *March* 1831, unless acquired, since that day and previously to the passing of the act, (7th *August* 1832,) by descent, succession, marriage, marriage settlement, devise, or promotion to a benefice or office.

Residence.

By the 9th section, all *freemen, freeholders*, and *persons*, who by reason of any *corporate* or *other* right are *now* by law entitled to vote in any city, town, or borough, and all persons, who by reason of birth, marriage, or service, or of any statute, shall be hereafter admitted to their freedom, shall, after registration, but so long only as they shall *reside* within the city, town, or borough, or *within seven statute miles of the usual place of election* therein, enjoy the right of voting; provided that no persons, since the 30th *March* 1831, admitted as *honorary* freemen, shall be entitled to vote as freemen.

The Old Franchises in Cities, Towns, and Boroughs.

We have already traced (*a*) the origin of the elective franchise, and shown how it commenced in boroughs with the free tenants of the burgages, and how, from an

(*a*) *Ante pp.* 34. &c.

Freeholders and inhabitants.

and extension of that right, the *common law right* grew up, vesting it in the inhabitants generally as well as in the freeholders. The only pure remnant of this common law right now to be found in *Ireland* is the borough of *Dungarvan*, where both the freeholders and inhabitants vote. We have also seen (*a*), how ancient usage has established various modifications of the right called *prescriptive rights;* and of these we have the case of *Mallow*, where the right belonged to the freeholders only,—and the cases of *Downpatrick*, *Lisburne* and *Newry*, where the inhabitants, (without the freeholders) held the franchise. We have also seen, how, by the usurpations of the prerogative and abuses of power, the inhabitants were in other cases deprived of their common law privilege, and corporate monopolies of the elective right were thrust upon them, whilst in some cases, of corporations by prescription, a more ancient, if not less objectionable cause can be assigned for the exclusion.

Freeholders.

Inhabitants.

Corporators.

The first statute respecting electors in cities towns and boroughs was the 33 *Hen.* VIII. *Ir. Sess.* 2. *c.* 1, *s.* 2, which directed that every citizen and burgess should be chosen and elected by the greater number of the INHABITANTS of the cities and towns being present at the election. But this enactment, and even the penalties annexed for disobeying its provisions, have been in most instances notoriously evaded.

Various acts of parliament regulated the franchises of freeholders, inhabitants &c. up to the year 1795, when the principal part of them was repealed by the 35 *Geo.* III. *Ir. c.* 29. The general provisions of that act and of those amending it as to freeholders, (*ss.* 25 &c.) apply generally, and include those boroughs in which freeholders have a right to vote. The 29th and 73d sections relate to freemen, and provisions are also made (*ss.* 55 &c.) for boroughs where the right of voting is in the inhabitants, or in the inhabitants and others.

(*a*) *pp.* 36, &c.

The New Franchise for Cities, Towns, and Boroughs.

By the 2, 3 *Will.* IV. *c.* 88, *s.* 7, "Every male person, of full age, and not subject to any legal incapacity, and duly registered according to the provisions of this act, who shall hold and occupy within such city, town, or borough, as tenant or owner, any *house*, *warehouse*, *counting-house*, or *shop*, which, either separately, or jointly with any land within such city, town, or borough, occupied therewith by him as tenant under the same landlord, or occupied therewith by him as owner, shall be *bonâ fide* of the clear yearly value of not less than *ten* pounds, 10*l.* householders.

"Shall be entitled to vote &c., PROVIDED ALWAYS that no such occupier shall be admitted to be registered under this act unless he shall have *occupied* such premises as aforesaid *six calendar months* next previous to the time of registry; nor unless such occupier shall have paid or discharged all grand jury, and municipal cesses, rates, and taxes, if any, as shall have become legally due and payable by him in respect of such premises, over and above and except one *half* year's amount of such cesses, rates, and taxes.

We now proceed to a detailed enumeration of the different franchises prevailing in these cities, towns, and boroughs, which we shall class under the heads of

I. The Freehold Franchises.

II. The Householders' Franchises.

III. The Corporate Franchises.

I. THE FREEHOLD FRANCHISES.

DUNGARVAN MALLOW.

No. 1. The 40*s.* occupation freehold franchise. The sum is of the former currency of *Ireland*. The yearly The 40*s.* occupation freehold franchise.

value must be above all charges payable out of the same; 45 *Geo.* III. *c.* 59, *s.* 1. The freehold must not arise from a rent-charge, *ibid.* and 35 *Geo.* III. *c.* 29, *s.* 25; the party must be in the actual occupation of it either by his residing thereon, or tilling, or grazing it, or by both tilling and grazing, to the amount of 40*s.* yearly value thereof; 35 *Geo.* III. *s.* 30; 45 *Geo.* III. *s.* 1. The freehold must not be set, or agreed to be set to, or in intrust for the person who executed the lease &c., his heirs &c., nor intended so to be; 35 *Geo.* III. *s.* 26; 45 *Geo.* III. *s.* 1; nor for the term for which the party holds it, *ibid.* It must not have been procured fraudulently, or in exchange for a freehold in any other county, 35 *Geo.* III. *s.* 28; 45 *Geo.* III. *s.* 1; nor in consideration of an increase of rent out of other lands held by him from the same grantor, 35 *Geo.* III. *s.* 28. The estate or interest in the freehold must have been acquired on or before the 1*st of March* 1831, unless acquired by descent, succession, marriage, marriage settlement, devise, or promotion, and, even in those cases, it must have been acquired previously to the passing of the act, (7*th of August* 1832,) 2, 3 *Will.* IV. *c.* 88, *s.* 8; and the party cannot register unless resident, for six months before his registry, in the town or borough, or within seven statute miles of the usual place of election, and can vote so long only as he so resides. *Ibid. s.* 9, and *Sched. C. No.* 9.

The 40*s.* non-occupation freehold franchise.

No. 2. The 40*s.* non-occupation freehold franchise. The sum is of the former currency of *Ireland.* The value must be above all charges, 1 *Geo.* IV. *c.* 11, *s.* 44; 37 *Geo.* III. *Ir. c.* 47, *s.* 1, and the freehold must not consist of a rent-charge,—and it must either be liable to *no* rent, except quit or crown-rent,—or arise from a fee-farm grant,—or a lease or leases for ever,—or a lease or leases for lives renewable for ever; 1 *Geo.* IV. *c.* 11, *s.* 44. It must not have been procured or granted fraudulently, or in exchange for a freehold in another county, 37 *Geo.* III. *s.* 1; 35 *Geo.* III. *s.* 28. Actual occupation is not

required. The estate or interest must have been acquired before the times, and the party be resident for the periods mentioned in the last franchise, No. 1.

The 20*l.* non-occupation freehold franchise of land &c.

No. 3. The 20*l.* freehold franchise arising from *land &c.* (and not arising from rent-charge.) This is the same as the county franchise No. 5, *ante p.* 58. The party cannot register unless resident for six months before his registry in the town or borough, or within seven statute miles of the usual place of election, and can vote so long only as he so resides; *ibid s.* 9, and *Sched. C. No.* 9. (*a*)

The 20*l.* freehold franchise of rent charge.

No. 4. The 20*l.* freehold franchise arising from *rent-charge.* This is the same as the county franchise No. 6, *ante p.* 59. The party must be resident for the periods mentioned in the last franchise No. 3.

No distinction as to 50*l.* freeholders.

It seems to me from the wording of *s.* 46 of the reform act, that the privilege of registering freeholds of the yearly value of 50*l.* and ecclesiastical freeholds upon oaths made in the superior courts or before a judge at the assizes is not reserved in the case of these boroughs.

Freeholds without the new boundary and within the old. Dungarvan.

The boundaries of both these boroughs are altered by the reform and boundary acts, *for the purposes of the reform act;* 2, 3 *Will.* IV. *c.* 88, *s.* 12; and *c.* 89, *s.* 1. The ancient districts were the respective *manors of Dungarvan* and *Mallow.* In the case of *Dungarvan* the three townlands of *Knockampoor*, *Canty*, and *Ballymullala*, were parts of the manor, but lay entirely detached from the rest (*b*), and as such are excluded from the borough for the purpose of conferring the *householders'* franchise created by the reform act. But there are no words which go the length of declaring an alteration as to the local situation of premises, conferring a franchise for the purposes of other acts, and therefore it would seem, that lands and tenements in those townlands may still give a *freehold* franchise for the borough, though

(*a*) But see *Ante p.* 118. note (*b*) (*b*) *Rep. Ir. Bound. Comm. p.* 65.

situate without the new limits appointed for the purposes of the reform act.

Freeholds not within the old boundaries.

And by a parity of reasoning it seems questionable whether those small parcels of land entirely enclosed within the lands of the manor, which belong to the manor of *Dromana* can confer the freehold franchise upon the parties seised.

Mallow.

So in the case of *Mallow*, the space within the new boundary is but a small portion of the manor, and the freeholders of lands outside the boundary and within the manor, will, it seems, remain entitled to their franchises, as if the boundary act had not passed.

II. The Householders' Franchises.

1. *The Five Pound Householders' Franchise.*

Downpatrick,	Lisburne,
Dungarvan,	Newry.

The 5*l.* householders' franchise.

No. 5. The 5*l.* inhabitant householders' franchise. The sum is of the former currency of *Ireland*, 35 *Geo.* III. *Ir. c.* 29, *s.* 55. The value is the *bonâ fide* clear yearly value of the premises as they stand, independently of the rent payable for them; 2, 3 *Will.* IV. *Sched. C. No.* 8. The party must be and have been for six calendar months last past in possession and actual occupation; and not more than one half year's grand jury or municipal cesses, rates, or taxes, must be due or payable by him in respect of the premises, or any part thereof, *Ibid.*

The premises must be a "house;" and the party must not be an *inmate* or *lodger* with any other person in the borough, and must be answerable for the payment of the usual customary taxes and cesses in the borough, as a resident householder therein, which shall or may be legally demanded of him; and his house *exclusive of his land*, annexed to or let with it, except the ground whereon his house (with its offices and back or other yard,) stands,

must be of the required value; 35 *Geo.* III. *c.* 29, *s.* 55. And see the reform act, *ss.* 17 and 23.

Taking all the clauses of the act together, it seems perfectly clear, that this franchise is preserved in the boroughs where it formerly existed, not merely to those who were entitled to vote when the act passed, but to all who thereafter shall be possessed of the qualifications. The general 10*l.* qualification will be found to apply to several cases not comprised in this class.

So also, on the ground above stated, (*a*) it seems that houses of 5*l.* value situate within the old limits of these boroughs will still confer this franchise, although not within the new boundaries, fixed by the boundary act for the purposes of the reform act.

This question does not affect *Downpatrick* or *Newry*, the ancient limits of which are retained. The alteration in the case of *Dungarvan* we have already mentioned.(*b*) From the following extract from the Report of the Boundary Commissioners, it appears that the limits of *Lisburne* have been encreased, and not curtailed, and the question, as regards it, will be, whether the occupiers of houses of 5*l.* annual value, not within the old limits, but within the new, are now entitled to this franchise.

" The borough cannot be said to have any boundary; " certain houses on the roads diverging from the town " are considered to be the extreme limits of it, and right " lines drawn from one house to another are supposed to " form the boundary. Some of these lines could not " (on account of intervening hills or obstacles) be drawn " except by a surveyor, and we are of opinion that " doubts would arise in the case of a house being built " near the supposed line, as to whether it was in the bo- " rough or not. As the elective franchise is essentially " connected with the existing limits, we are not autho- " rised by our instructions to propose any curtailment in " them; but it is extremely necessary to establish a well

(*a*) *Pages* 149, 150. (*b*) *Ibid.*

" defined boundary in place of the present one that is " open to dispute; and this, we think, can best be done " by taking the nearest recognised boundaries of town- " lands *beyond* the present supposed limits, especially as " the boundaries of townlands have been very recently " settled by the ordnance survey, and the *addition* made " to the borough by so doing will be inconsiderable. On " the other side of the *Lagan* there is a small suburb, " which we also think should be added." (*a*)

2. *The Ten Pound Householders' Franchise.*

All Cities, Towns, and Boroughs.

The 10*l.* householders' franchise.

No. 6. This is in all respects, the same as the 10*l.* householder's franchise in counties of cities and towns, stated above, p. 107, &c. There is, I believe, but a single verbal difference between the statements of the qualifications in *ss.* 5 and 7; the former requires possession in the occupier 6 calendar months "next previous to the time of *his* registry;" in the latter the words are "time of registry." But there is no difference in substance; and, the former may be held to interpret the latter. See the observations, *ante* pp. 115, 116.

III. The Corporate Franchises.

Burgesses, &c.

No. 7. Sovereign, or provost, and capital burgesses.

In Armagh,	Dungannon,
Bandonbridge,	Ennis,
Belfast,	Sligo,
Carlow,	Tralee,

the sovereign or provost, and capital burgesses, alone, returned the members to parliament. The corporations in these places were erected in the 10, 11 *Jac.* I. (*Ante, pp.* 30, 41, 46,) with the power in these select bodies consisting only of the chief officer, and 11 or 12 capital burgesses.

(*a*) *Rep. Ir. Bound. Comm. p.* 95.

They have long submitted themselves to return none but the nominees of some predominant interest. In some of them, the burgesses being *chosen* by the freemen, had sufficient exertions been made to enforce the rights of freedom, the exclusive system might, perhaps, have been broken down.

It is clear that persons of this class are within the 9th section of the reform act, and cannot be registered or vote unless resident in the town or within 7 statute miles of the usual place of election.

In some other towns the burgesses, or aldermen, share in the elective right with the freemen;

As in CASHEL, DUNDALK,
CLONMEL, PORTARLINGTON,
COLERAINE.

In others, there are burgesses, but the elective right is not in them, as such, but in the freemen of the corporation generally.

This applies to

ATHLONE, NEW ROSS,
ENNISKILLEN, WEXFORD,
KINSALE, YOUGHAL.
LONDONDERRY.

Freemen.

No. 8. Honorary freemen.
No. 9. Freemen by birth.
No. 10. Freemen by marriage.
No. 11. Freemen by service or apprenticeship.
No. 12. Freemen by statute.

These several franchises have been already fully treated of in the section upon counties of cities and towns, *Ante pp.* 120, &c.

The franchises Nos. 8 and 12 exist in all the last mentioned 12 cities, towns, and boroughs. Whether one or more or any of the others (Nos. 9, 10, 11,) exist, depends on local custom.

In *Wexford*, the right by apprenticeship, only, obtains. (*a*)

(*a*) *App.* II.

So in *Londonderry*,—"the sons of aldermen and burgesses are entitled to their freedom as of right, as also all persons who have served their apprenticeship to a freeman; persons not having these claims can only obtain their freedom by special favour." (*a*)

Foundation.

In all these cases the party must be resident in the borough or within 7 statute miles of the usual place of election, and cannot register unless he has been so resident for 6 calendar months, nor can he vote but so long as he shall continue so to reside; *s.* 9. And no honorary freeman admitted since the 30th *March*, 1831, is entitled to vote.

QUALIFICATIONS OF ELECTORS FOR THE COLLEGE OF THE HOLY TRINITY OF DUBLIN.

This college was founded by queen *Elizabeth*, by letters patent, 3 *March*, 34 *Eliz.* (*A.D.* 1593,) by the name of "*The College of the Holy and Undivided Trinity, near Dublin, founded by the most serene Queen Elizabeth*," and the body was incorporated by the name of "*The Provost, Fellows and Scholars of the College of the Holy Trinity of Queen Elizabeth, near Dublin*," and it is ordained that, the students (*studiosi*) in this college, "*libertatem et facultatem habeant, Gradus tum Baccalaureatûs Magisterii, et Doctoratûs, juxta tempus idoneum, in omnibus artibus et facultatibus obtinendi.*"

Degrees.

Charters.

King *James* I. by his charter, 12th *May*, 11 *Jac.* (*b*) granted, that there be in the said college and university near *Dublin* two burgesses of parliament, and that the said *provost, fellows and scholars*, should have the power of electing and naming two of the more discreet and sufficient men of the aforesaid college and university, for the time being, to be burgesses of parliament for the same university. This charter recited that of *Elizabeth*, and that it was necessary that the said college and university should have full and absolute power of electing two bur-

(*a*) *Rep. Ir. Bound. Comm. p.* 100. (*b*) *Dublin University*, 1 *Peckw.* 27.

gesses from among themselves *(de seipsis eligendi)*, and sending them to the court of parliament; in which court such burgesses so elected and sent, *according to the form of the University of Oxford and of Cambridge used in England*, should make known the true state of the said college and university.

Provost, fellows and scholars.

King *Charles* I. by his statutes annexed to his charter, 21st *May*, 13 *Car.* I. ordained, *(cap.* 1 (*a*),*)* that the body of the college should consist of the provost, as a head, and of the fellows and scholars, as the more noble members of the body; that the fellows should be 16, of whom 7 should be called "senior" and the rest "junior;" and that the scholars, to be maintained at the expense of the college *(Collegii sumptibus alendi)*, should be 70 in number. The modes of their appointment, election, admission and swearing, are pointed out in the subsequent chapters; by the 5th, *De scholaribus sive discipulis*, the following direction is given, *Discipuli autem stipendia, nemo diutius accipiat, quàm donèc magistri in artibus gradum adeptus fuerit, aut per leges Academiæ adipisci potuerit, aut in Socium eligatur.*"

By a subsequent statute, *Geo.* III. the number of the fellows was increased to 25.

By the act of union, 40 *Geo.* III. *c.* 38, *s.* 3, one representative only was permitted to sit, but by the 2, 3 *Will.* IV. *c.* 88, *s.* 11, the university shall return an additional member, and by *ss.* 60, 61, a new elective franchise is established.

The above statutes had, in practice, received a construction admitting the scholars to vote so long only as they remained entitled to their stipends, whereby the number of electors of that class was limited to 70. It may be doubted whether that was a sound construction; but the new enactments, in some measure at least, remove the bar to the continuance of the franchise.

The new franchise.

By *s.* 60, in addition to those before qualified to vote,

(*a*) *See also cap.* 21.

every person of the age of 21 years, having obtained the degree of *Master* of Arts, or any *higher* degree, or a *Scholarship*, or *Fellowship* in the university shall be entitled to vote, so long as his name shall be kept and *continue* to be kept on the books of the university as a member thereof; subject, however, and according to the rules and statutes of the university; PROVIDED that no person shall be entitled to vote, by reason of any degree of a purely *honorary* nature.

And by *s.* 61, those, who had voluntarily removed their names from the books, are entitled, within six months after the passing of the act, *and not after*, to replace the same, upon payment of 2*l.*

And every person whose name shall be *continued* upon the books, for the purpose of entitling him to vote, shall be liable to pay to the college an annual sum of 1*l.*; and upon *refusal* to pay it within one month after it shall have been demanded, his name shall be removed from the books, and shall not be again replaced.

The only degree, inferior to that of Master of Arts, is the degree of Bachelor of Arts; and the following enumeration may be made of the rights of voting.

No. 1. Provost.
No. 2. Fellows.
No. 3. Those who obtained fellowships.
No. 4. Scholars.
No. 5. Those who obtained scholarships.
No. 6. Doctors of Divinity.
No. 7. Doctors of Laws.
No. 8. Doctors of Medicine.
No. 9. Bachelors of Divinity.
No. 10. Bachelors of Laws.
No. 11. Bachelors of Medicine.
No. 12. Masters of Arts.

All these, except (except No. 1,) by *continuing* their names on the books, as directed by the act, are entitled to the elective franchise.

The power of *replacing* their names on the books is given to those who *now* are *masters*, &c., and also to those who *now* are *bachelors of arts:* but only in case they shall have *voluntarily* removed their names, and that they replace them within six months from the passing of the act on the 7th of *August*, 1832.

The question may arise whether the "six months," and "one month" mentioned in these sections mean *lunar* or *calendar* months? To me it appears they are calendar months. It is true that, *primâ facie*, "months" in an act of parliament are to be intended months of 28 days, called lunar months. (*a*) But the rule has exceptions; and here,

1st, Looking to the act itself, we find, in *s.* 13, the phrase "six calendar months" used, and, immediately after, that period is referred to by the words "six months" only. See also, *s.* 29.

2dly, It may be maintained that in the *Irish* election acts, generally, "months" are to be understood calendar months; for where, by the 35 *Geo.* III. *Ir. c.* 29, *s.* 30, the 40*s.* freeholders were required to be in possession "for six calendar months" between their registry and the test of the writ, by the 45 *Geo.* III. *c.* 59, *s.* 1, they were required to register "twelve months at the least" previous to the test of the writ; and then, by the 51 *Geo.* III. *c.* 77, *s.* 2, it is "*declared* and enacted" that the said term shall be deemed to mean twelve calendar months.

3dly, The decisions upon the ejectment acts seem to rule this by a strong analogy, and also to prove that the computation must be exclusive of the day on which the act passed, giving the whole of the 7th of *February*, 1833, for securing the franchise. The 11 *Ann. c.* 2, allowed the tenant six calendar months, after execution, to redeem; the 8 *Geo.* I. *c.* 2, gave the mortgagee of the evicted lease, "nine months." These are calendar

(*a*) *Com. Dig. Ann, B.*

months, and the day, on which the *habere* is executed, is not to be included in the calculation. (*a*)

There is a rule which has sometimes prevailed, that "when the computation is to be made *from an act done*, the day when such act is done is to be included; but the rule is not inflexible; and where a right would be devested, or a forfeiture incurred, by including the day of the act done, the computation will be made exclusive of it. (*b*) And the rule in *Catesby's case* is, "where the computation is doubtful, it is best to determine it for the relief and remedy of him who hath right." (*c*)

(*a*) *Devereux* v. *Lady Bradstreet*, 2 *Schoal. & L.* 529; *Biddulph* v. *St. John*, *Ibid.* 521; *Dowling* v. *Foxall*, 1 *Ball & B.* 193.

(*b*) 1 *Ball & B.* 196.

(*c*) 6 *Co.* 61; 2 *Schoal. & L.* 531.

CHAP. II.

DISQUALIFICATIONS OF ELECTORS.

THE several sections of the reform act, conferring the new franchises, give them only to "every *male* person of full *age*, and not subject to any legal *incapacity*," *ss.* 1, 2, 5, 7; and the 19th section requires that the barrister, adjudging upon the case of the claimant to be registered, shall find him "not subject to any legal disqualification."

I. *Disqualifications arising from Disability.*

Women. 1. Sex.—Women, although having a freehold, were disqualified at common law. (*a*) This is the doctrine of Sir *Edward Coke*. Yet it appears there have been elections in which women have interfered and even joined in making the indenture of return. (*b*) The election acts, however, I believe, uniformly use the masculine pronoun, and the franchises of the reform act are limited to "males."

Infants. 2. Infancy.—So, at common law, men within the age of 21 years. (*c*) They are also expressly disqualified by the following statutes; 35 *Geo.* III. *Ir. c.* 29, *ss.* 25, 48; 37 *Geo.* III. *Ir. c.* 47, *s.* 18; 4 *Geo.* IV. *c.* 55, *ss.* 25, 47.

(*a*) 4 *Co. Inst.* 4, 5.
(*b*) *Heyw. Co. Elect.* 255.
(*c*) 4 *Co. Inst.* 4, 5. *Heyw. Co. Elect.* 257, 259.

The same doctrine was recognised by a resolution of the *Irish* Commons in 1715, and by the committee on the election for *Dublin* College in 1791. (*a*)

A man is of full age on the day preceding the anniversary of his birth; as, if he was born on the 1st of *February* at 11 at night, on the last day of *January* in the 21st year of his age he is of age, and that from the first moment after 12 o'clock; for the law makes no fractions of a day. (*b*)

Idiots.

Lunatics.

3. Mental incapacity. Idiots (*c*), or persons who from their nativity labor under a perpetual infirmity. (*d*) Lunatics, so long as they have not understanding: but, in lucid intervals, they are entitled to vote. Serjeant *Heywood* mentions the following cases:

"H. W. had been in Bedlam 3 or 4 years before, had lost his living for not taking the oaths, and had acted like a madman; but was not so at the election, and answered rationally about taking the burgesses' oath, and had preached a short time before."

"B. was a melancholy man, and SCARCE *compos mentis;* his vote was carried by others to the place of polling, he being at some distance from it, and he only named Mr. *Hampden;* though a witness for the sitting member said he named *Hill* short."

In these cases, which the serjeant cites from the Journals, he says, the vote could not justifiably be rejected.

But where one was shown to be insane, and so disordered in his senses, that he could not repeat the oaths, he was disqualified.

N. T. was 38 years of age, an ironmonger, married, and had three children: he had been remarkably industrious; of late years his intellects had been disordered, but not so as to render him entirely unfit to transact bu-

(*a*) *Giff. on Elect.* 34, 35.
(*b*) *Harbert* v. *Turbot*, 1 *Kebl.* 589; 1 *Sid.* 162; *T. Ray.* 84; *Fitzhugh* v. *Dennington*, 2 *Ld. Ray.* 1094; 1 *Salk.* 44; *and see* 2 *Salk.* 625, *pl.* 3; 1 *Ld. Ray.* 480; 3 *Wils.* 274; 1 *Bla. Comm.* 303.
(*c*) 2 *Lud.* 567; *Heyw. Co. Elect.* 259.
(*d*) *Co. Littl.* 247, *a*; *Beverley's case*, 4 *Co.* 124, 125.

siness. His trade was, for the most part, carried on by his shopman; for he frequently lost his memory, and his knowledge of accounts, and of the value of money. He was very eager, during the election, for the candidates for whom he voted. His vote was determined to be good. (*a*)

R. had been a soldier, was above 75 years old, and affected with a paralytic tremor; the noise of the poll affected him greatly, and he repeated the ordinary questions when put to him instead of answering them, but, his wife being sent for; she asked him for whom he voted, and he said "*Minchin* and *Linchin*." *St. Ledger* and *Ladbroke*, the sitting members, stood upon the same interest as *Minchin* had stood upon, and the voter had been canvassed and had promised his vote to them, and he had said before, that he would rather lose his pension than desert the united interest. When undisturbed, it was stated, he was very sensible, and he repeated the words of the bribery oath, and kissed the book. A witness said, "when the noise ceased and the mayor said he would receive his vote, and he was asked, for whom he voted? he heard him name the sitting members when put the second time." There were two polls taken, one by the mayor, the other by the portreeve. When he went to the portreeve to vote, he said he voted for "*Slasher* and *Lasher*," and was rejected. The committee determined his vote to be good, and to remain on the poll of the mayor, who was decided to be the returning officer. (*b*)

It is not necessary that the unsoundness of mind, which would avoid a deed, should constitute idiotcy, in the strict legal definition of the term; the question is, whether the party was of sound mind or not; and as one test of capacity or incapacity, it may be considered whether he was capable of understanding what he did by executing

(*a*) *Bridgwater*, 1 *Peckw.* 108. (*b*) *Oakhampton*, 1 *Fras.* 162.

the deed in question when the general import was explained to him. (*a*)

Deaf, dumb and blind.

One born deaf and dumb, who can signify by signs what he is about, is allowed to act, as to levy a fine. (*b*) But, it seems, that one born blind, deaf, and dumb is not (*c*); *quære* also, if he be blind, deaf, and dumb, by accident. (*d*)

The entry of the form of oath to a dumb man and his interpreter is; "I. R. was sworn to depose the truth &c. and M. R. well and truly to interpret to J. R. a witness here produced &c. the questions and demands made by the court to the said J. R. and his answers made thereto." (*e*)

Aliens

4. Aliens,—At the common law, are such as are born out of the dominion of the crown of this realm. (*f*) Statutes made by the parliament of *Great Britain*, (7 *Ann. c. 5, s. 3*, 4 *Geo.* II. *c.* 21, 13 *Geo.* III. *c.* 21,) which have remained without adoption in *Ireland* (*g*) have enacted that all children born out of the King's legiance, whose fathers (or grandfathers by the father's side) were natural born subjects, are deemed natural born subjects themselves, unless their said ancestors were attainted or banished beyond sea for high treason, or were, at the birth of such children, in the service of any prince or state at enmity with *Great Britain*. And by the 25 *Edw.* III. *Eng. & Ir. Stat.* 1 (*h*), all children inheritors, which shall be born without the legiance of the King, whose fathers and mothers, at the time of their birth, shall be at the faith and legiance of the King, shall have and enjoy the same benefits and advantages, to have and bear the inheritance within the same legiance as the other inheritors &c. so always that the mothers of such children

(*a*) *Ball* v. *Mannin*, 1 *Dow. & C.* 380, *Smith & B.* 183, 2 *Fox & S.* 249.
(*b*) 7 *Vin. Abr.* 524, *Deaf Dumb and Blind, pl.* 14.
(*c*) *Ibid. pl.* 10.
(*d*) *Ibid. pl.* 8.
(*e*) *Ruston's, case*, 1 *Leach*, 409.
(*f*) *See ante. p.*136 *&c. Calvin's case*, 7 *Co.* 31; *Com. Dig. Alien* (*A.*) 1 *Bla. Comm.* 373.
(*g*) 1 *Gabb. Dig.* 304, 305.
(*h*) 1 *Stat. of the Realm*, 310.

do pass the sea by the license and wills of their husbands.

Upon this statute it was determined, that children born abroad of *English* parents are considered as natural born subjects; and the daughter of an *Englishman*, though born abroad, may be an *English* parent (*a*); the case was that of the daughter (born abroad) of a merchant, who went to *Elvin* in *Prussia* to merchandise, and, during his trading there, espoused the daughter of an *Englishman*, who exercised the trade of a merchant abroad: and the judges said, it was not material though the mother were an alien, for the wife is *sub potestate viri* and *quasi* under the allegiance of our King: and, in our law, the child shall be of the father's condition.

The acknowledgment of the independence of the United States of *America* took place on the 3d *September* 1783, and a definitive treaty was signed on the same day. And it was held, that children born in the United States, since the recognition of their independence, of parents born there before that time, and continuing to reside there afterwards, are aliens (*b*); but where the parents, who so resided, were natural born *British* subjects, and at the time of the separation of the two countries adhered to the *British* government, it is held they are not aliens. (*c*) In the former case the parent had put off his allegiance at the time of the treaty, which enabled him so to do; but in the latter he did not do so, and the law did not enable him to do so at any subsequent time; and therefore, when residing there after, he was in the same situation as if he had gone to any other foreign country, and his children expressly within the statute 4 *Geo.* II. *c.* 21.

Aliens may be *naturalised* by act of parliament, or made *denizen* by the King's letters patent (*d*), and no

(*a*) *Bacon* v. *Bacon*, 3 *Cro.* 601.
(*b*) *Doe* v. *Acklam*, 2 *Barn. & C.* 779; 4 *Dowl. & R.* 394.
(*c*) *Doe* v. *Mulcaster*, 5 *Barn. & C.* 771. 8 *Dowl. & R.* 593.
(*d*) 1 *Bla. Comm.* 374.

alien, not being a denizen, or naturalised, can vote at elections for members to serve in parliament. (*a*)

A. B. was objected to as an alien. The returns made by aliens at the different police offices under the alien act were produced by the chief clerk of the alien office, wherein was the declaration, signed by the voter, that he was born in *Paris;* also, a book in which was a license granted to him; and his vote was struck off (*b*), no proof being given of his being since naturalised.

A denizen was admitted to vote for a freehold acquired before denization, where there was no evidence of an office found entitling the King to the property. (*c*)

[" Three years in one ship or in several ships," by the 42 *Geo.* III. *c.* 61, *s.* 8, which extends to *Irish* ships.]

By several *British* acts foreign seamen, who in time of war serve two years on board an *English* ship, (by virtue of the King's proclamation) are naturalised, 13 *Geo.* II. *c.* 3. So foreign Protestants and Jews having resided in any of the *American* colonies without an absence of two months at a time, 13 *Geo.* II. *c.* 7; 20 *Geo.* II. *c.* 44; 13 *Geo.* III. *c.* 25.—So foreign Protestants serving two years in the army there, 2 *Geo.* III. *c.* 25. Or serving three years in the whale fishery, and properly qualifying themselves by taking the necessary oaths, either in the superior Courts, or the Quarter Sessions, 22 *Geo.* II. *c.* 45, *ss.* 8, 11, 12, and not afterwards absenting themselves from the King's dominions for more than one year. All the above persons are liable, however, to the exceptions in the 4 *Geo.* II. *c.* 21, as to the children of persons attainted of high treason, and of those in the service of princes and states in enmity with the *British* Crown.

And by the 26 *Geo.* III. *c.* 50, *ss.* 24, 27, 28; and 28 *Geo.* III. *c.* 20, *s.* 15, every foreigner who has established himself and family in *Great Britain*, and carried on the southern whale fishery, and imported the produce

(*a*) *Heyw. Co. Elect.* 252, *where several cases are cited from the Journals.*

(*b*) *Middlesex*, 2 *Peckw.* 118.

(*c*) *Ibid.* 117.

thereof for five years successively is declared entitled to all the privileges of a natural born subject.

In *Ireland* there are two sets of acts of Parliament for the naturalization of foreigners. One, expressly conferring the elective franchise, we have already stated. (*a*) The others are the 19, 20 *Geo.* III. *Ir. c.* 29; 23, 24 *Geo.* III. *Ir. c.* 38; 36 *Geo.* III. *Ir. c.* 48. (*b*) The 19, 20 *Geo.* III. enacted that traders &c., settling with their families, shall, after the taking of the oath therein mentioned, &c. be deemed natural born subjects whilst they reside in *Ireland.* This oath differs from that in the 13, 14 *Geo.* III. *Ir. c.* 35 (*c*), by omitting the words, "and His only Son Jesus Christ my redeemer," which in the latter statute are intended to adapt the oath to Christians only. The 23, 24 *Geo.* III. extended this to noblemen and gentlemen, as well as traders &c. "excepting persons professing the Jewish religion"; and, by *s.* 3, provided, that no person, naturalised by this act, shall be entitled to vote in any election for any city, borough, county of a city, or town corporate, of which, by virtue of this or any former act of naturalization, he shall have been made free, unless he shall have obtained such right of voting by such ways, means and methods only as his Majesty's subjects shall obtain the same. The 36 *Geo.* III. takes no notice of the 23, 24 *Geo.* III. but extends the provisions of the 19, 20 *Geo.* III. to all foreigners transporting themselves to settle in the kingdom; it contains no exception affecting Jews; but it requires the party to have obtained from the chief governor or governors, in council, a license that he is a fit and proper person to be naturalized &c. It does not contain any clause limiting the right of voting at elections; and the clause of the 23, 24 *Geo.* III. on that subject I take, therefore, to be superseded.

(*a*) *Ante p.* 136.
(*b*) *See App.* I. *pp.* 17, 80, 120.
(*c*) *Ibid. p.* 73.

II. *Disqualifications arising from Offences.*

1. Treason, Felony, &c.—A conviction for felony disqualifies. (*a*) The principle, it seems, is the same as that of the rule of evidence which renders witnesses incompetent from infamy of character proceeding from a conviction for certain offences; of this kind are treason—and every species of the *crimen falsi*, such as forgery—perjury—subornation of perjury—*præmunire*—barretry—the crime of bribing a witness to absent himself and not give evidence—conspiracy to accuse another of a capital offence—and such crimes as by any act of parliament are declared to be "infamous." (*b*) This is strictly a legal objection, to be supported by strict legal proof, and nothing less than a conviction will disqualify. The committees, indeed, in the cases referred to, admitted proof of convictions for larceny, by the minutes of the quarter sessions; and one of the writers has endeavoured to refer the decisions to some circumstances "*peculiar to that case;*" but none such appear.

A distinction was formerly taken (*c*) between the situation of persons convicted of petty larceny, and those convicted of grand larceny; the benefit of clergy, in the latter case, operating to restore competency and capacity to the party convict; but not existing in the former. Now, by recent statutes, benefit of clergy, with respect to persons convicted of felony, is abolished; 7, 8 *Geo.* IV. *c.* 28, *s.* 6; 9 *Geo.* IV. *c.* 54, *s.* 12; the distinction between grand larceny and petty larceny, also, is abolished, and every larceny is deemed of the nature of grand larceny; 7, 8 *Geo.* IV. *c.* 29, *s.* 2; 9 *Geo.* IV. *c.* 55, *s.* 2. And by the 9 *Geo.* IV. *c.* 32, *s.* 3, it is enacted, that where any offender shall be convicted of any felony not punishable with death, and shall have endured the punishment to which he shall be adjudged for the same, the punishment

(*a*) *Great Grimsby, Phillips*, 189; *Colchester*, 1 *Peckw.* 508.
(*b*) 1 *Phill. Evid.* (*7th Edit.*) 28 *&c.*
(*c*) 1 *Peckw.* 509 *n.*; *Heyw. Co. Elect.* 337; *Male on Elect.* 169.

so endured shall have the like effects and consequences as a pardon under the great seal as to the felony whereof the offender was so convicted; but this shall not mitigate the punishment to which he may be sentenced on a subsequent conviction for any other felony. And by *s.* 4, no conviction of a misdemeanour, (except perjury or subornation of perjury,) shall render the offender an incompetent witness in any court or proceeding, civil or criminal, after he has endured the punishment to which he was adjudged for the same.

At the common law a *pardon* will restore competency where the disability is a consequence of the judgment; but not where it is declared by act of parliament to be a part of the punishment. (*a*)

2. Perjury.—In *England* a general enactment, 2 *Geo.* II. *c.* 24, *s.* 6, disqualifies persons convicted of perjury or subornation of perjury from voting at elections for parliament. I do not find that this has been adopted in *Ireland;* and the law seems to rest on the following enactments:

The 28 *Eliz. Ir. c.* 1, *s.* 1, enacts that no person convicted of procuring a witness to commit perjury in any matter or cause depending by writ, action, bill, complaint, or information in any court, &c. shall be "received as a witness, to be deposed or sworn in any court of record, or within any other court or courts within the realm of *Ireland*, until such time as the judgment given against such person or persons shall be reversed by attaint or otherwise." By *s.* 2, if any person commit perjury in the said courts, &c. his oath shall not be received in any court of record, until such time as the judgment shall be reversed. (*b*)

By the 35 *Geo.* III. *Ir. c.* 29, *s.* 72, persons who shall falsely swear or affirm contrary to the meaning of that act, being thereof convicted, shall suffer such pains, pe-

(*a*) 1 *Phill. Evid.* 35.

(*b*) *See also* 3 *Geo.* II. *Eng. c.* 4, *s.* 2, *and* 31 *Geo.* III. *c.* 18.

nalties and *disabilities* as persons convicted of perjury ought to suffer; and any person claiming to be a voter as an *inhabitant* of a borough, who shall be guilty of perjury in registering his inhabitancy and right of voting, without being really and *bonâ fide* a resident inhabitant thereof, &c. and shall be convicted, and condemned, and suffer the pains and penalties aforesaid, *shall for ever be incapable of giving any vote at any election of a member to serve in parliament.*

See, also, *s.* 74 of the same act, and the 45 *Geo.* III. *c.* 59, *s.* 14; 4 *Geo.* IV. *c.* 55, *s.* 85; 10 *Geo.* IV. *c.* 8, *s.* 21, and 2, 3 *Will.* IV. *c.* 88, *s.* 42.

The 4 *Geo.* IV. *c.* 55, *s.* 85, (which applies only to counties of cities and towns,) enacts that if any person who shall take any oath or affirmation thereby appointed, &c. shall swear or affirm falsely, &c. being thereof convicted, he shall suffer the pains, &c. of perjury, *and shall be for ever incapable of giving a vote at any election of a member to serve in parliament;* and it contains a like enactment as to persons suborning others to take such oath or affirmation falsely.

3. Bribery.—By the 35 *Geo.* III. *Ir. c.* 29, *s.* 23, and 4 *Geo.* IV. *c.* 55, *s.* 81, any person directly or indirectly asking, receiving or taking any money or other reward, by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, to give his vote, or to abstain from giving his vote, and any person who by himself, his friends, or by any person employed by him shall by any gift or reward or by any promise or agreement, or security for any gift or reward, corrupt or procure any person to give his vote or to abstain from giving the same, shall forfeit 500*l.* and after judgment against him *in any action or information grounded on this act* (*a*), shall for ever be disabled to vote in any election of any member to serve in parliament.

(*a*) See the remarks on the English act 2 *Geo.* II. *c.* 24, *s.* 7, 4 *Ld. Glenb.* 294, *and Rex* v. *Pitt, Rex* v. *Mead,* 3 *Burr.* 1338.

But the mere declaration of a committee that a person has been guilty of bribery will not operate as a disqualification, nor will proof of the fact of bribery at a former election be received, even where the new election is to fill up the same vacancy. (*a*)

By act of parliament.

4. Acts of parliament have been passed for the disfranchisement, by name, of persons reported by committees to have taken bribes (*b*), or to have been guilty of other misconduct. (*c*)

Returning officers.

5. Returning officers, who shall return more than the number of persons who shall by the writ or precept be directed to be returned, shall forfeit 2000*l.* and shall be rendered incapable of ever after voting at any election; 35 *Geo.* III. *Ir. c.* 29, *s.* 13; 4 *Geo.* IV. *c.* 55, *s.* 68.

Outlaw, for treason or felony.

6. Outlawry and Excommunication.—Serjeant *Heywood* (*d*) writes as follows:—"An outlaw is one deprived of the benefit of the law, and the king's protection, for contemptuously refusing to be amenable to some court of competent authority which called him before it. After the outlawry has appeared on record (*e*), which is not till the writ of exigent is returned, he is no longer *liber et legalis homo* and is deprived of most of his municipal rights. His goods and chattels are forfeited to the king; and, if he is outlawed in a criminal case, his lands, also, go to the king, or the lord of whom they are holden; if in a civil suit, the issues and profits of his real estate go to the king, till his estate in the land is ended, or the outlawry set aside. (*f*) After outlawry, his estate is no longer vested in him, and it should seem that he loses the franchise of voting annexed to it; besides, he is no longer *liber et legalis homo;* and, therefore, it may be said, is

(*a*) *Ilchester*, 2 *Peckw.* 239, 245; *Heyw. Co. Elect.* 340—342.
(*b*) 11 *Geo.* III. *G. B. c.* 55.
(*c*) 38 *Geo.* III. *Ir. c.* 61,
(*d*) *Heyw. Co. Elect.* 333—335.
(*e*) *Co. Littl.* 128, *b.*
(*f*) *See Ante*, *p.* 64.

excluded on account of the personal incapacity under which he labours. I do not find, however, that there has been any determination of the House of Commons upon the subject; but in the following cases the votes of persons outlawed have been objected to:—*Bridgewater*, 10 *Dec.* 1692, *T. Webber* was objected to, and the outlawry book was produced, whereby it appeared he stood outlawed by mesne process ever since the 2 *Jac.* II.; but it was answered, that the debt was paid, and was pardoned by the general pardon. (*a*)—*Launceston*, 17 *Mar.* 1723; it appeared, by the report of the committee, that *T. Wakeman* was outlawed for debt, 13 *Ann.* and that the outlawry was not reversed. (*b*) And so *Hindon*, 12 *April*, 1728, a voter was objected to as outlawed for debt." (*c*)

He then treats of excommunication, and states the arguments for and against disabling the person excommunicated, the point, though raised in two cases, never having received a determination in the House of Commons. (*d*) But now by the 53 *Geo.* III. *c.* 127, and 54 *Geo.* III. *c.* 68, excommunication is taken away, save upon definitive sentences, and decrees of that nature, for offences of ecclesiastical cognisance, and (*s.* 3,) no person so pronounced excommunicate shall incur any civil penalty *or incapacity* in consequence, except a certain imprisonment, &c.

Outlawry, in a personal action, is no ground of exception to a witness; but judgment of outlawry for treason or felony, appearing on record by the sheriff's return of the exigent, has the same effect as judgment after a verdict or confession; and such outlaw is not a competent witness. (*e*)

III. *Disqualifications arising from Opinions.*

As all franchises now depend upon an oath or affirmation to be taken before registry, there are two classes of persons liable to exclusion.

(*a*) 10 *Journ.* 738.
(*b*) 20 *Ibid.* 299.
(*c*) 21 *Ibid.* 334.
(*d*) *Bridgewater*, 8 *Journ.* 118; 1 *Grey's Deb.* 209; *Wendover*, 13 *Journ.* 42.
(*e*) 1 *Phill. Evid.* 29; and see *Sim.* 27.

1. Atheists, and such infidels as profess not any religion that can bind their consciences to speak the truth, are excluded from being witnesses (*a*), and, upon the same principle, it seems, from making any oath. Atheists.

Formerly, Jews and Heathens were considered incompetent witnesses, and Mr. *Gifford* has given reasons for his opinion that their votes ought not to be received; but the celebrated case of *Omichund* and *Barker* (*b*) has decided that a heathen is a competent witness when sworn according to the ceremonies of his own religion; and it is now an established rule, that infidels of any description, who believe in a God, the avenger of falsehood, (but not those who believe not that there is a God, or a future state of rewards and punishments,) ought to be received as witnesses. (*c*)

Jews have always been permitted to vote at county elections in *England* upon taking the requisite oaths, according to the ceremony of their own religion (*d*); by the 10 *Geo.* I. *G.B. c.* 4, they were relieved, as to the oath of abjuration, by the act sanctioning the omission of the words "on the true faith of a Christian;" see also the case of the naturalisation acts, *Ante*, p. 165; and, unless by the introduction of such words in the oath, or where there is an express clause requiring a party to be sworn "on the Holy Evangelists," I do not see on what principle they can be excluded from the franchise.

2. Non-Jurors.—By the 2, 3 *Will.* IV. *c.* 88, *s.* 41, every person, *being a Quaker or Moravian*, may make affirmation in the form thereby prescribed for each oath; and former acts made similar provision (*e*) as to persons of these particular persuasions. But by this method of legislating for circumstances, and not upon principles, Non-jurors, except Quakers and Moravians.

(*a*) 1 *Phill. Evid.* 21.
(*b*) 1 *Atk.* 21; 1 *Wils.* 84; *Willes*, 538.
(*c*) 1 *Phill. Evid.* 22.
(*d*) *Heyw. Co. Elect.* 333.
(*e*) See 4 *Geo.* IV. *c.* 8, *s.* 20, &c.; and see the 19 *Geo.* II. *Ir. c.* 18, and 9 *Geo.* IV. *c.* 32, as to their giving *evidence* in any case whatsoever, criminal or civil, and the 21, 22 *Geo.* III. *Ir. c.* 57, as to "Seceders."

many classes of persons are excluded from their civil rights.

At *Wallingford*, 15 *Dec.* 1709, the name of *T. Parsons* was entered specially on the poll, as a non-juror; a witness said "he was a conscientious man, *but* would not take any oath," and he offered to subscribe the declaration, though he could not say that he was one of the people called "Quakers." The permission to Quakers and Moravians is not extended to persons of any other description. (*a*)

IV. *Disqualifications arising from Dignity, Office, and Employment.*

Peers,

Peers.—Although, anciently, peers exercised the privilege of voting, yet the Houses of Commons of *England*, *Great Britain* (*b*) and *Ireland* (*c*), constantly passed resolutions against their interference, and the vote of a delegate, being a *Scotch* peer, was determined to be bad, in the case of the *Scotch* boroughs of *Dornoch*, *&c.* (*d*) So in the case of *Banbury*, 1808, the vote of an *Irish* peer was objected to, and given up as too clear to be argued. (*e*)

After the Union, upon the report of a committee appointed for the purpose, the following resolutions were adopted, 27th *April*, 1802, and made standing orders of the House, and as such have been repeated at the beginning of every subsequent session:—

"Resolved—That no peer of this realm, except such peer of that part of the United Kingdom called *Ireland*, as shall for the time being be actually elected, and shall not have declined to serve, for any county, city or borough of *Great Britain* (*f*), hath any right to give his vote in the election of any member to serve in Parliament.

"Resolved—That it is a high infringement of the liber-

(*a*) *Heyw. Co. Elect.* 328, citing, 17 *Journ.* 243.
(*b*) *Heyw. Co. Elect.* 316.
(*c*) *Giff. on Elect.* 33.
(*d*) *Heyw. Co. Elect.* 316.
(*e*) *Ibid.* 318.
(*f*) See the 40 *Geo.* III. *Ir. c.* 38, 4th Article of the Union, *App.* I. *p.* 135.

ties and privileges of the Commons of the United Kingdom, for any lord of Parliament, or other peer or prelate, not being a peer of *Ireland* at the time elected, and not having declined to serve any county, city, or borough of *Great Britain*, to concern himself in the election of members to serve for the Commons in Parliament, except only any peer of *Ireland* at such elections in *Great Britain* respectively, where such peer shall appear as a candidate, or by himself or any others be proposed to be elected; or for the lord lieutenant, or governor of any county, to avail himself of any authority derived from his commission, to influence the election of any member to serve for the commons in Parliament."

No commissioner, collector, surveyor, supervisor, gauger, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of *excise* in *Ireland*, or any branch or part thereof, Officers of Excise,

Nor any commissioner, collector, surveyor, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of *customs* in *Ireland*, or any branch or part thereof, Customs,

Nor any surveyor, collector, comptroller, inspector, or other officer or person whatsoever, concerned, engaged or employed, by or under the Commissioners of his Majesty's *revenue* in *Ireland*, in the charging, collecting, levying, or managing any of the duties, taxes, or impositions in *Ireland*, paid or levied under the direction of such commissioners or any of them, Revenue,

Nor any commissioner, officer, or other person, concerned or employed in collecting, receiving, or managing any of the duties on *stamped* vellum, parchment and paper in *Ireland*, Stamps,

Nor any postmaster or postmasters general, or his or their deputy or deputies, nor any person employed by or under him or them in receiving, collecting, or managing the revenue of the *post-office* in *Ireland*, or any part thereof; Post-office,

nor any captain, master, or mate of any ship, packet, or other vessel, employed by or under the postmaster general in *Ireland*, in conveying the mail from and to *Ireland*, to or from *Great Britain*, or to or from any other place whatever,

" Shall be capable of giving his vote in any election for the choice of any representative in parliament for any county, city, county of a city, borough, town corporate, university, or other place whatever in *Ireland;* 43 *Geo.* III. *c.* 25, *s.* 1. (*a*) But nothing in this act shall extend to any office then held or usually granted to be held by *letters patent* for any estate of *inheritance* or *freehold; s.* 2. See the 1 *Will.* IV. *c.* 8, *s.* 3.

A further enactment relative to the *excise* is contained in the 7, 8 *Geo.* IV. *c.* 53, *s.* 9, by which no commissioner, or assistant commissioner of excise, or commissioner of appeal under that act, or any officer of excise, or person employed in the charging, collecting or managing of any part of the revenue of excise, or in comptrolling or auditing the accounts thereof shall be capable of giving his vote at elections.

In *England*, revenue officers were disqualified by the 22 *Geo.* III. *c.* 41, upon which the following decisions took place.

The occasional employment, during the sickness or absence of excise officers, of a person formerly discharged from the office, and not upon the restored list, for which employment he received an annual stipend from the collector, to be allowed by the board, at their discretion, was holden no disqualification. (*b*)

The captain of a custom-house cutter, who had secretly resigned the command to another, from whom he received an annuity as a compensation, he himself having no longer any concern in the cutter, was holden a good vote. (*c*)

(*a*) This act was repealed, (in mistake, it seems,) by the 6 *Geo.* IV. *c.* 105, *s.* 404; but that repeal was repealed, and the act expressly saved in force by the 7 *Geo.* IV. *c.* 48, *ss.* 50, 52.

(*b*) *Oakhampton* 1 *Fras.* 164.

(*c*) *Harwich* 1 *Peckw.* 397.

P. D. was objected to as the master of a packet, although his duties were performed by his son: the son stated, he alone was master, and the profits exclusively his; and the vote was allowed. (*a*) But where the voter held the office of post-master under a regular appointment, but the duties were performed by an inn-keeper, who received the salary for his own use, the correspondence with the *London* Post-office being carried on in the voter's name, his vote was disallowed. (*b*) So was that of the husband of a post-mistress, she having been appointed to the office before her marriage. (*c*)

A person, once appointed office-keeper by the commissioners of excise, to see certain entries signed, without fee or salary, but who had given up the appointment, and his wife had received the deputation, was holden not disqualified. (*d*)

A sub-distributor of stamps appointed by the distributor, not by the commissioners, who exercised no control over him, though he would have been dismissed by the distributor, if disapproved of by them, the distributor being answerable for the money he received, out of which he allowed him a per-centage, and authorised him to sign certain licences, was considered a good vote. (*e*) A sub-deputy appointed by a country post-master to distribute letters in a certain district, and receive the postage at a certain profit per mile on each letter, whose name was not in the post-office books, was not disqualified. (*f*) Nor the guard of a mail coach appointed by the *comptroller* of the post-office; receiving and delivering the letter-bags, and receiving and accounting for the postages delivered short of the post towns, and receiving payment for the trouble. (*g*) Collectors of the duties on houses and windows were considered within the disqualifying words of the

(*a*) 1 *Peckw.* 400.
(*b*) *Bedfordshire*, 2 *Lud.* 561.
(*c*) *Ibid.* 558.
(*d*) 1 *Peckw.* 373 (but see the case of *John Hawkins*, *Wootton Bassett*, 1817.) *Sheph. on Elect.* 3.
(*e*) 2 *Lud.* 552. 1 *Fras.* 164. 1 *Peckw.* 373.
(*f*) 2 *Lud.* 562., but see *Glasgow*, 1 *Peck*, 354.
(*g*) 2 *Fras.* 454.

22 *G.* III. *c.* 41. *s.* 1.; but, being appointed by the commissioners of the land-tax, were held to be protected by an exception in sect. 2. of the same act, and not disqualified. (*a*)

Farmers of the post-office rates and duties in *England* being appointed collectors thereof, are specially exempted from disqualification in pursuance of such appointment (*b*); and so are the fifteen coal-meters and ten corn-meters of *London* (though the coal-meters receive a commission from the commissioners of customs, and the duties upon imported corn are ascertained by the admeasurement of the corn-meters) provided they shall not receive or be entitled to receive any salary, fee, or reward out of the public revenues. (*c*)

The coalmeters of the port of *Dublin* were appointed by the guild of merchants, and certain regulations, as to their wages or fees, were authorised by the 1 *Geo.* III. *Ir. c.* 10, *s.* 6. and 33 *Geo.* III. *Ir. c.* 40, *s.* 8. By the 6 *Geo.* IV. *c.* 107, *s.* 3, for the better ascertaining and collecting of the duties and customs upon coals, culm, and cinders, the commissioners of customs were empowered to appoint coal-meters in the service of the customs, to measure and weigh all coals, &c., and give certificates of the quantities unladen from any ship, to the collector or comptroller of the port; "provided always that nothing herein contained shall extend to repeal, or in any way alter or affect any right of appointment of any meters possessed under any law or charter by any corporate body at the time of the commencement of this act." It was proved that the coal-meters appointed by the guild of merchants performed the duty mentioned in this section, for the service of the customs; but it did not appear that they acted under any special appointment of the commissioners or received any salary or payment save their fees as the officers of the guild. It was contended that they were officers or persons, concerned and em-

(*a*) 2 *Lud.* 551. See 20 *Geo.* III. *G. B. c.* 3.
(*b*) 27 *Geo.* III. *G. B. c.* 26. *s.* 15.
(*c*) 51 *Geo.* III. *c.* 84.

ployed in the charging, collecting, levying and managing of the duties of customs in *Ireland*, within the 43 *Geo.* III. *c.* 25; and the 6 *Geo.* III. *c.* 106, *s.* 8, was relied on, which enacts, that every person *employed* on *any* duty or service *relating* to the customs by the orders or with the concurrence of the commissioners of his Majesty's customs (whether previously or subsequently expressed) shall be deemed to be the officer of the customs for that duty or service. Their votes were allowed. (*a*)

At the same election, the vote of *H. B.* was objected to, he being a commissioner for the examination and audit of the public accounts of *Ireland* under the 52 *Geo.* III. *c.* 52, and it was contended, that, as such, he was a person employed in comptrolling and auditing the accounts of the revenue of excise, within the 7, 8 *Geo.* IV. *c.* 53, *s.* 9; on the other side the statement of the voter, that the accounts of the excise had never been brought before him, and the enactment of the 7, 8 *Geo.* IV. *s.* 49, for the appointment, by the treasury, of a comptroller and auditor of the accounts of the revenue of excise, were relied upon. The vote was allowed. (*b*)

S. was objected to as being the accountant general of the Post-office, to which situation he was appointed by patent from the crown, with whom rested the right of removal also. It was insisted that he was a person employed by or under the postmaster general in managing the revenue of the post-office; and had not a freehold in his office, and so within the 43 *Geo.* III. *c.* 25. His vote, also, was allowed.(*c*)

By the 48 *Geo.* III. *c.* 140, *s.* 15, for the administration of the office of justice of the peace within the district of *Dublin* metropolis, no barrister or other officer appointed under this act (except the divisional justices who shall be aldermen, sheriffs' peers, or common-council-men) shall during the time he shall continue in office, or within

Dublin Police.

(*a*) *Abbotts' Questions on the Elections for the city of Dublin in* 1831. *p.* 20.
(*b*) *Ibid. p.* 35.
(*c*) *Ibid. p.* 40.

six months after he shall have quitted the same, vote for any member to serve in parliament for the county of *Dublin* or the city of *Dublin*.

Agents.

Any person, who shall, either during an election, or within six calendar months previous to it, or within 14 days after it shall have been completed, be employed at such election, as counsel, agent, attorney, poll clerk, flagman, or in any other capacity, for the purposes of such election, *and* shall at any time, either before, during, or after such election, accept or take from any person whatsoever, for, or in consideration of, or with reference to such employment, any sum of money, retaining fee, office, place, or employment, shall be deemed incapable of voting, and his vote, if given, shall be void. 7, 8 *Geo.* IV. *c.* 37.

Almsmen.

The receipt of alms, or parish relief, by the custom of particular boroughs in *England*, operates as a disqualification of voters; and it has often been disputed, before select committees, whether it was not a disqualification at the common law, equally affecting voters of all descriptions, and for all places. The learning upon the question is very fully collected by Serjeant *Heywood* (*a*); the cases, with three exceptions, are all cases of boroughs, and in two of the county cases there existed other grounds disqualifying the votes rejected. In the *Bedfordshire* case a voter was objected to as having received alms within a year before the election; his vote was determined to be good, and a motion *negatived*, "that parish alms paid to a freeholder do invalidate his vote, although he continues in possession of a freehold of the clear yearly value of 40*s*." (*b*) In a subsequent case the committee explained this resolution to mean, "that parish relief made no disqualification, while the voter retained the possession of his freehold. (*c*)

It does not appear that this objection has ever been

(*a*) *Heyw. Co. Elect.* 264—304.
(*b*) 2 *Lud.* 563.
(*c*) *Ibid.* 565.

taken in *Ireland* (*a*); and it may thence, perhaps, be inferred, that such disqualification forms no part of the law of the land. The objection is not poverty, but the receipt of alms out of some specific legal fund;—and such, it seems, though there be not yet a poor rate, would be, the collections made in the parish church for the use of the poor of the parish, according to the rubric established 17, 18 *Car.* II. *Ir. c.* 6; or forfeitures to that use, as *Ibid. s.* 4, the funds of the Houses of Industry under the 11, 12 *Geo.* III. *Ir. c.*; &c., or of any legally endowed hospitals. Freemen, inmates of the House of Industry in *Dublin*, voted at the election in *May* 1831 without objection.

In *England*, it appears, the receipt of alms, *within a year before the election*, is what is considered to disqualify (*b*); but even that is subject to an exception in case of a change of circumstances. (*c*)

(*a*) *Giff. on Elect.* 41.
(*b*) *Heyw. Co. Elect.* 272, 285, *&c.*
(*c*) *Ibid.* 288.

CHAPTER III.

OF THE REGISTRATION OF ELECTORS.

The University excepted.

No Registry is required for the borough of the University of *Dublin*; 2, 3, *Will.* IV. *c.* 88, *ss.* 13, 14.

The first Special Sessions.

Presiding barrister.

After the commencement of the reform act, a special session, for the purpose of registering votes for each county, city, town, and borough, shall be held in each *county* by and before the assistant Barrister (*a*) or Chairman (*b*) of such county, and in each *city*, *town* and *borough* by and before those mentioned in *Sched. A.*, on such day or days, and at such places as the Lord Lieutenant shall appoint; *s.* 14.

The Lord Lieutenant is authorised, by warrant under his hand, to appoint, for the duty of presiding at the special sessions to be *first* held for registering votes under this act, in any county, city, town or borough, or in any two or more such counties, cities, towns or boroughs, any barrister or barristers of not less than six years standing at the *Irish* bar, to be assistant to, or deputies of the assistant barrister or chairman; *s.* 66.

(*a*) 36 *Geo.* III. *Ir. c.* 25; *for Cork* 4 *Geo.* IV. *c.* 93.
(*b*) *i. e. in the county of Dublin,* 2 *Geo.* I. *Ir. c.* 11.; 8 *Geo.* I. *Ir. c.* 6. 1 *Geo.* II. *Ir. c.* 14; 31 *Geo.* III. *Ir. c.* 31.

Each riding in the county of *Cork* (*a*) shall be deemed to be a county for the purpose of registering under this act; *s.* 38.

When two or more barristers shall be appointed for the same county, riding, city, town, or borough, they shall attend at the same *place* together, but shall hold separate courts at the same time for the despatch of business; and they shall have the same powers &c., as the assistant barrister or chairman on whom the duties would have otherwise devolved; *s.* 66. (*b*)

Notice of holding the first Special Sessions.

Duty of clerk of the peace.

The clerk of the peace *in and for* each such county, city, town, and borough, or his deputy, shall, 30 days at the least before *the day* respectively so appointed, cause to be posted, in conspicuous places within each such county, city, town, and borough respectively, notices that such sessions for the purpose of registering the names of voters under this act, for such county, city, town or borough, will be held on the *days* and at the places so appointed, and that applications for that purpose will be then and there taken into consideration; *s.* 14.

General Sessions.

Presiding barrister.

After the determination of the sessions directed to be *first* holden for the registry of voters for counties, cities, towns, and boroughs, application may be made for that purpose at *any* sessions of the peace or adjournment thereof to be held by and before the assistant barrister or chairman of the proper county, and by and before

(*a*) See the 4 *Geo.* IV. *c.* 93.

(*b*) In the *Dublin* Gazette has appeared a notice dated the 30th *August* 1832, that a special sessions for the registering of voters, in the several counties, cities, towns, and boroughs, pursuant to the 2, 3 *Will.* IV. will be holden, &c. The days appointed are from *Wednesday* the 10th, to *Monday* the 29th *October*; and for all the counties at large, (except *Dublin*) several days, and different places, are named; for the county of *Dublin*, and each of the cities, towns, and boroughs, one day and one place only.

the assistant barrister or chairman by *Sched. A.* authorised to register voters for such city, town, or borough—*s.* 27.

And, if within a county at large, *in the division* (*a*) within which the freehold or leasehold interest intended to be registered shall be situate—*Ibid.*

In the county of *Dublin* all voters shall be registered before the chairman of the sessions of that county, and in the city of *Dublin* before the said chairman, who shall for such purpose hold a session *four* times in each year, at such times and places as the Lord Lieutenant, &c. shall appoint—*s.* 44.

It shall be lawful for the chairman to discharge the duties of registries in and for the city of *Dublin* (subsequent to the first or special sessions) by a sufficient deputy to be appointed by him, for that purpose, and which deputy shall be a barrister of six years standing at the least at the *Irish* bar, and shall be approved of by the Lord Lieutenant, &c.—*s.* 68.

In the county of *Cork* there are *five* general sessions of the peace, for each riding, in the course of every year; 4 *Geo.* IV. *c.* 93, *s.* 3.

Notice of Application.

Every person intending to apply to be registered as a voter for any county, city, town or borough, shall, *twenty clear days*, at the least, before the first day appointed for holding the session, give to the clerk of the peace, &c. a notice of his intention so to do—*ss.* 15, 27. And, if within a county at large, *in the division* (*a*) within which the freehold or leasehold interest intended to be regis-

(*a*) The Lord Lieutenant and Privy council are empowered by the 36 *Geo.* III. *Ir. c.* 25, *s.* 1, to divide each of the several counties at large into two divisions, for the purpose of the more conveniently hearing of civil bills,—but the county of *Dublin* is expressly excepted. By the 4 *Geo.* IV. *c.* 93, also, the county of *Cork* is divided into two ridings, to be distinguished as "*Cork* County, East Riding," and *Cork* County, West Riding," and there are no divisions of these ridings. By the 38 *Geo.* III. *Ir. c.* 25, *s.* 6, the barony of *Ballynacor*, in the county of *Wicklow*, is divided into two divisions for the purposes of the civil bill acts.

tered shall be situate, where the notice is for a *general* session—*s.* 27; but this last is not required for the first or special session—*s.* 15.

A form for the notice is given in *Sched. C. No.* 2;— it contains no direction either for address, date, or signature; and though it may be prudent to add them, yet they do not seem essential. Form.

Thus, it is not necessary that a notice to quit should be directed to the tenant in possession, if it be proved to be delivered to him in proper time. (*a*) A notice is a good notice to the person *to whom it is delivered*, though not directed to him; but as a notice may be delivered to another for the clerk of the peace, and in such case it might be considered as a notice to that other and not to him, the precaution of addressing it seems particularly advisable. Address.

The following forms may be used:—

To the clerk of the peace of the county of *Donegal.*

To the clerk of the peace acting for the county of *Donegal.*

To the clerk or clerks of the peace acting for the city of *Dublin.*

To the clerk of the peace acting for the borough of *Dundalk.*

A date, it seems, is not necessary to a notice. (*b*). Date.

Neither is a signature; and, even if it were, the name of the claimant, in the body of the notice, even though the name were printed, would be a sufficient signature.(*c*) Signature.

The 15th section says "notice in writing," the 27th "notice" merely. But it is evident a written notice is contemplated in both cases; and it is equally clear that "printing" is "writing" for these purposes. (*d*)

(*a*) *Doe* v. *Wrightman*, 4 *Esp.* 5.
(*b*) 2 *Chitt.* 238.
(*c*) *Lemayne* v. *Stanley*, 3 *Lev.* 1; *Knight* v. *Crockford*, 1 *Esp.* 190; *Saunderson* v. *Jackson*, 2 *Bos. & P.* 238; *Propert* v. *Parker*, 1 *Russ. & M.* 625.
(*d*) *Ibid.*; and see *Schneider* v. *Norris*, 2 *Maul. & S.* 286.

Name, &c.

I. In filling up the first column of the form, write—

THE NAME, *i.e.* the Christian name and surname of the applicant in full;—yet there are cases in which abbreviations or the initials of a Christian name are held sufficient. (*a*)

THE RESIDENCE, *i.e.* his present or usual place of abode. (*b*) Where a clerk stated his place of abode to be the office where he was employed the greater part of the day, though at night he slept at another place, it was held sufficient. (*c*) A person is not bound to describe himself of the place where he remains for a temporary purpose merely (*d*); and one recently discharged out of prison, but still by permission lodging there at night was allowed to describe himself as *late* of such a prison (*e*); but not if he had altogether quit one place and taken his residence at another.

DESCRIPTION,—viz. his trade, as "shoemaker," or business or occupation as "grocer," "farmer," or his rank or degree, as "esquire," "gentleman," "yeoman." So "manufacturer" was held a sufficient addition (*f*), and one was considered well described as "of the city of *London*, merchant." (*g*)

II. *The Right in which the Claimant seeks his Franchise.*

Right.

This is to be stated by one of these words, viz.: "freeholder"—"leaseholder"—"householder"—"freeman"—"rent-charge"—or, if the fact be so, "copyholder." These are generic terms warranted by the act, and, therefore, though the franchise be that of burgess, "freeman" will be a good designation—*Sched. C. No.* 9; and so, though it arise from a shop, "householder" is correct, be-

(*a*) *Tidd's Pract.* (*9th Edit.*) 30, 148, &c.
(*b*) *Cow. Interpr. voce* "*Residance.*"
(*c*) *Haslope* v. *Thorne*, 1 *Maul. & S.* 103; 1 *Chitt.* 464, *n.*
(*d*) *Bouhet* v. *Kittoe*, 3 *East*, 154.
(*e*) *Scaley* v. *White*, 11 *East*, 528; and see *Williams* v. *Burgess*, 3 *Taunt.* 127; 1 *Peckw.* 56 *contra.*
(*f*) *Smith* v. *Younger*, 3 *Bos. & P.* 550.
(*g*) *Vaissier* v. *Alderson*, 3 *Maul. & S.* 165.

ing the general term which the act gives to the owner of that franchise—*Sched. C. No.* 8.

III. *The Description of the Property, and its Situation.*

Express the description with as much brevity, and generality, as is consistent with accuracy. Premises.

In cases of freeholders and leaseholders, (inspecting the lease, &c.) thus—"a plot of ground," "the lands of *A.*" "a dwelling house and concerns," "a messuage and premises."

In cases of householders, thus—"a house," "a house and land," "a shop," "a counting house," "a warehouse," "a warehouse and premises."

In cases of rent-charge,—"a rent-charge issuing out of a plot of ground," &c.

THE SITUATION,—In counties at large, state, as far as can be done with certainty the *townland* and *barony*, and in cities, towns, and boroughs, the *parish*. Insert also the name of the village, street, square, lane, quay, or other denomination or place where situate, as far as certainty can be attained. Thus—"situate in the townland of *A.* in the barony of *B.* and county of *C.*"—"situate at *York-street* in the parish of *St. Peter* in the county of the city of *Dublin*"—"situate at *Mountjoy-square* in the parish of *St. George* in the county of *Dublin* and within the *Circular-road*"—"situate in *A.* lane in the parish of *B.* and within the borough of *C.*" Situation.

Very special care ought to be taken, where the franchise is claimed for a county at large, to state the *barony*, because the poll is directed to be taken with reference to *baronies* and *half baronies;* 2, 3 *Will.* IV. *c.* 88, *s.* 51.

And in all cases, such a description ought to be given as will enable a person desirous of investigating the franchise, to find out, with ordinary diligence, the premises in respect of which it is claimed; *ss.* 15, 18. See the 35 *Geo.* III. *Ir. c.* 29, *s.* 31, *&c.*; 37 *Geo.* III. *Ir. c.* 47, *s.* 17;

45 *Geo.* III. *c.* 39, *s.* 1; 60 *Geo.* III. & 1 *Geo.* IV. c. 11, *s.* 35; 4 *Geo.* IV. *c.* 55, *s.* 4, &c.; 10 *Geo.* IV. *c.* 8, *Sched.* II. The words in the reform act, "barony, &c. *or* denomination *or* place where situate" being disjunctive, the grammatical construction would be that, the mentioning of any *one* should suffice.

IV. *The yearly value to be registered.*

Value.

It will be proper to fill this up, with the words at length, "forty shillings"—"ten pounds"—"twenty pounds"—or "fifty pounds" according to the franchise claimed; but it seems sufficient to state it in figures: (*a*) See the 51 *Geo.* III. *c.* 77, *s.* 1.

Several notices.

Wherever there is any difficulty as to one right of voting possessed by a party, and he is also possessed of another or others, or where there is a doubt under which of two or more franchises, or under which of two or more descriptions, a particular property ought to be registered, it is adviseable to prepare two or more notices according to the nature of the case, and to serve them together. This is better than to state several rights in one notice, and by delivering the several notices together no pretext is left for saying that one is a waver or withdrawal of another.

Question as to the Clerk of the peace to be served.

In the cases of counties at large, and counties of cities and towns, which have all their own clerks of the peace, (*b*) the directions of the act are sufficiently plain; but it requires some examination to ascertain the intention in the cases of those cities, towns and boroughs which are not counties of themselves.

Statement of the clauses.

By the 14th section *the* clerk of the peace *in and for* each such county, *city*, &c. shall cause the notice of the first session to be posted. By the 15th, the applicant is

(*a*) See *Butler* v. *Cohen*, 4 *Maul.* and *S.* 335, 1 *Chitt.* 384; 1 *Tidd. Pract.* (*9th edit.*) 167, note (*l*).

(*b*) See the 1 *Geo.* IV. *c.* 27, and 7, 8 *Geo.* IV. *c.* 67, *s.* 12—by which their office shall be kept open from 12 o'clock to 3 every day, *Sundays*, *Good Friday*, and *Christmas day* excepted. See also the 4 *Geo.* IV. *c.* 43, 5 *Geo.* IV. *c.* 93, and 6 *Geo.* IV. *c.* 52.

to give his notice to *the* clerk of the peace, or his deputy *acting for* such county, *city*, &c. and *such* clerk of the peace or his deputy shall enter the notices and prepare the lists. By *s.* 16, at such special session *the* clerk of the peace or his deputy shall call the names in *such* list. By *s.* 20, the affidavit of registry shall be delivered by the barrister, to *the* clerk of the peace or his deputy, to be filed and kept amongst the records of the county, *city*, *town*, or *borough*. By *s.* 25, an appeal is given to the judges of assize at the next assizes to be holden for the same county, *city*, *town* or *place;* and by *s.* 26, the judge shall cause such acts to be performed by *the* clerk of the peace or his deputy, as are directed to be done at the sessions.

Again, by *s.* 27, in applying for registry at a general sessions, notice is to be given to "*the* clerk of the peace."

By *s.* 28, upon any person being declared entitled to be registered, the clerk of the peace or his deputy shall sign and give the certificate upon payment of one shilling, *s.* 28, 34. By *s.* 30, *the* clerk of the peace at every election for any county, *city*, *town* or *borough*, shall appoint a deputy, &c. By *s.* 35, *the* clerk of the peace *for each* county, *city*, *town* and *borough*, shall, under the direction of *the* chairman or barrister, as the case may be, on, &c. make out *complete* alphabetical lists of the registered voters in *each* county, city, town and borough *in which he has acted* in making such registry, and shall, at the expense of such county, *city*, *town* or *borough*, cause them to be printed; and by *s.* 36, these expenses shall be defrayed by *the* clerk of the peace *in* such county, city and town (omitting *borough*); and the *grand jury* of each *such* county, city, and town, as the case may be, are required at the next assizes, or presenting term, to present such sums to be levied off *their respective counties*, to be paid to *such* clerks of the peace.

By *s.* 43, "*the* clerk of the peace or his deputy, *and town clerks*, for each *such* county, city, town, or borough, or his deputy," shall attend the court during the sessions, and shall take with them such affidavits, books and re-

gistry as they are required to attend with at any election; (see *s.* 22, as to the production of their books;) and *s.* 45, the barrister may fine them for breach of duty: see also *s.* 57.

By *s.* 51, whenever in any borough, &c. the number of registered voters appearing *by the books of the clerk of the peace,* capable of voting, shall exceed 600, two or more polling places shall be provided, &c.

By *s.* 62, the words "city, town, or borough," shall be construed to include all places, *whether corporate or otherwise,* entitled to send a member or members to parliament.

Sched. A. is a "list of assistant barristers and chairman before whom sessions for registering votes in each *city, town* or *borough,* are to be held," but no mention is made here of clerks of the peace.

Sched. C. No. 1, is the form of notice for holding the first session; the signature contains but these three forms:—

Clerk of the peace of the said county.
— county of the city.
— county of the town.

From these clauses, taken all together, I infer—

1st, That the *town-clerk* of a city or town corporate, not being a county, is not the officer intended by the act for giving or receiving notices, or conducting the business of the registry court; his duty being merely that of attending the court with the corporation books, &c.

2dly. That the clerk of the peace of the county in which the city, town or borough is situate, where the entire is in one county, is the clerk of the peace *for* such borough, and the officer intended for those purposes.

3dly, That in the case of the city of *Dublin,* to the electoral district of which a part of the county of *Dublin* is *added,* (2, 3 *Wil.* IV. *c.* 89,) the clerks of the peace of the county of the city of *Dublin,* are the clerks of the peace *for* the city; see the wording of *Sched. C. No.* 1, where the phrase is "city of," not "county of the city of," &c. and it cannot be contended that the appointment

of the chairman of the sessions of the county to hold the sessions for registering in the city draws the clerk of the peace of the county into the performance of the duties for the city.

Boroughs in several counties.

4thly, As to those boroughs which are situate in several counties, viz.

BOROUGH.	COUNTIES.
Athlone,	*Roscommon* and *Westmeath.*
Belfast,	*Antrim* and *Down.*
Carlow, (*a*)	*Carlow* and *Queen's County.*
Clonmel,	*Tipperary* and *Waterford.*
Lisburne,	*Antrim* and *Down.*
New Ross,	*Kilkenny* and *Wexford.*
Newry,	*Armagh* and *Down.*
Portarlington,	*King's* County & *Queen's* County.

It seems to me that there is no sufficient provision in the act to constitute the clerk of the peace of either county the officer for the entire borough. Consequently, that on the clerk of the peace for each county, a duty must devolve for the giving and receiving the notices, attending and conducting the registry, &c. and receiving the fees upon certificates, so far as premises situate in the respective counties are concerned; and the grand juries of the respective counties will be bound to present for the respective expenses of each.

The case of *freemen,* if this construction be correct, presents a fresh difficulty. Can they be said to be of either county? To determine this, the charters of the boroughs ought to be inspected; and if the entire of the ancient borough lay in one county only, to that county the freemen may be said to appertain. From the report of the Boundary Commissioners, this appears to apply to *Belfast, (Antrim)* (*b*); *Carlow, (Carlow)* (*c*); *New Ross, (Wexford).* (*d*)

(*a*) Correct the statement in p. 30, where this borough is said to be in in the county of "Carlow" only; *Coleraine,* there stated to be in two counties, ought to have been marked as in the county of *Londonderry* only; to which the town and liberties were annexed by charter, 12 *Jac.* I. ; *Rep. Ir. Bound. Com. p.* 33.

(*b*) *Ibid, p.* 13.

(*c*) *Ibid, p.* 17.

(*d*) *Ibid, p.* 121.

But in the cases of *Athlone* (*a*), *Clonmel* (*b*), and *Portarlington* (*c*) it appears the ancient limits extended into the two counties. Whatever the difficulty may be, it cannot be turned into a means of defeating the franchise, and therefore, there seems to be no objection to the freemen, in these cases, proceeding to register through the clerk of the peace of *either* county, at their option.

In the remaining cases, of the boroughs of *Lisburne* and *Newry*, there is no corporate franchise. But there is a clause in a former act, which appears to me very material, and corroborative of the view of the reform act, I have submitted. By the 35 *Geo.* III. *c.* 29, *s.* 64, it is enacted, that in every borough or boroughs where the right of voting is vested in the inhabitants in general, or inhabitants and others, *which are situated in two different counties*, every inhabitant qualified to vote, may, if he thinks proper, in the oath, &c. instead of the words "resident inhabitant of the borough of in the county of ," substitute the words "resident inhabitant of *that part of* the borough of which lieth in the county of ." By the 55th section, the party, claiming the right of voting as an inhabitant, is directed to make oath, &c. "at the quarter sessions *of the county wherein such borough lieth*, or some adjournment thereof;" and by the 61st section, for the greater convenience of persons required to register, at every quarter sessions to be held next after the 1st of *August* in every year, and for any county wherein there is situated any borough, *or part of any borough*, where the right of voting is vested in the inhabitants, &c. the justices are required to make an adjournment, &c. *to such borough*, for the purpose of there registering, &c.

These clauses, it must be presumed, were in the contemplation of the framers of the reform act; and as it is clear, upon the construction, that the business of the

(*a*) *Rep. Ir. Bound. Comm. p* 5.
(*b*) *Ibid, p.* 29.
(*c*) *Ibid, p.* 115, &c.

registry was the business of each county in which the premises, in right of which the party claimed, were situate, the reader will not, perhaps, think himself unwarranted, in applying a like interpretation to the reform act, made *in pari materiâ*.

The notice to the clerk of the peace may be delivered to himself or to his deputy in any place. He is bound by act of Parliament 7, 8 *Geo.* IV. *c.* 67, *s.* 12, to keep his office open from 12 o'clock until 3 every day, *Sundays*, *Good Friday*, and *Christmas day* excepted; and there can be no doubt that delivery to any person in his employment in such office is good service. Manner of service.

A delivery to the high constable of the barony, within which the property to be registered is situate, is good service; *s.* 15. But this, it seems, is only for the first or special session; *s.* 27.

Though personal service upon one of these persons is to be recommended, yet it seems not to be absolutely requisite; service on the wife or servant, at his dwelling-house, it may be presumed, is good service (*a*); but not on his servant elsewhere (*b*); nor, according to one case, to his clerk at his counting-house (*c*), although by a later case that appears sufficient (*d*). This last is strongly in point, as it arose upon the construction of the statute, requiring a party intending to dispute an act of bankruptcy, "to give notice in writing to the assignee;" and *Abbott C. J.* said, "I am strongly of opinion that there is no general principle of law requiring personal service in such a case as this. The cases in which personal service is necessary, are exceptions and rare."

It seems to me that the twenty days are exclusive both of the first day of holding the session, and the day of serving the notice, so that the 19th of *September* is the Time of service.

(*a*) *Hall* v. *Franklin*, 2 *Price*, 4.
(*b*) *Anon. Ibid.*
(*c*) *M'Nabb* v. *Ingham*, 2 *Price*, 9.
(*d*) *Wedger* v. *Browning*, 1 *Mood. and M.* 27, 2 *Carr. and E.* 523, *S. C.* correcting *Howard* v. *Ramsbottom*, 3 *Taunt.* 524.

last day for giving notice of registering at a session to commence on the 10th of *October*; the 3d of *October* for the 24th, &c. It is true there are cases in which it has been held, that where a computation is to be made *from an act done*, the day when such act is done, is to be included (*a*); but there are others the other way (*b*). In fact there is no such general technical rule, and the computation must depend upon the reason of the thing and the circumstances (*c*), and, in a great measure, upon the particular words used in each case.

In none of those cases do the expressions resemble those here, "twenty *clear* days at the least before the first day," &c.

If the last day for giving the notice were a *Sunday*, yet service on that day would be good. The statute, 7 *Will.* III. *Ir. c.* 17, *s.* 7, against serving on *Sunday*, extends only to "writ, process, warrant, order, judgment or decree."

Preparation of the Lists.

The high constable is bound to transmit, without delay, all notices given to him, to the clerk of the peace—*s.* 15.

The clerk of the peace or his deputy shall, upon receipt, *enter* all such notices according to the order in which he shall receive them—*ss.* 15, 27.

Ten days at least before the day appointed for holding the session, he shall cause *alphabetical lists* of such voters [applicants] to be *printed* and *circulated*, and to be *posted* in conspicuous places throughout the county, city, town, or borough—*ss.* 15, 27, and see *s.* 36.

The following observations are from Mr. *Robinson's* useful work on the registry of *freeholds* :—

"The service of the notice is the only act required to be performed by the claimant preliminary to his registry;

(*a*) *Rex.* v. *Adderley*, 2 *Dougl.* 464, *Castle* v. *Burdett*, 3 *Durnf. and E.* 623. *Ex parte Farquhar*, *Mont. and M.* 7.

(*b*) *Ex parte Fallon*, 5 *Durnf. and E.* 283.

(*c*) *Lester* v. *Garland*, 15 *Ves.* 248.

the formation of the lists, and the publication of them, are the duty of the clerk of the peace, and the provisions of the act prescribing them may be considered as merely directory, it would seem, therefore, upon the authority of the case of *Maxwell* v. *M'Clauran*, decided by the Court of Exchequer Chamber in *Ireland*, upon the anonymous partnership act, that if the claimant serve a sufficient notice, though the clerk of the peace should publish an erroneous one, or omit to publish it at all, or within the time directed, he would notwithstanding be entitled to register. The case of *Maxwell* v. *M'Clauran* (*a*), which is familiar to the profession, though not in print, arose upon the anonymous partnership act, 21, 22 *Geo.* III. *Ir. c.* 46, which enacts, that no partnership shall be considered as formed under that act, unless the deed, or memorial thereof, be registered in the mode therein prescribed, and directs the register to keep certain books, and perform other matters with respect to the registry; the Court of Exchequer Chamber held, that though the officer omitted to perform his duty altogether, or in a manner so erroneous, that a person searching the proper books of the registry office would be unable to discover the existence of the partnership, yet this part of the act being merely directory, such error or omission could not deprive the partners of the benefit of the statute; see also *Garrick* v. *Williams* (*b*), and *Eyre* v. *Dolphin.* (*c*) Some assistant barristers, however, conceiving that one of the most important checks to fraud, presented by this act, consists in the publicity given to the application, refuse to register, if any material variance exist between the notice served, and the published one, and the interest sought to be registered, likely to mislead the public as to the identity of the applicant, the nature and local situation, or the annual value of the freehold.

(*a*) See 2 *Fox & S.* 304, 5.
(*b*) 3 *Taunt.* 540.
(*c*) 2 *Ball & B.* 300; see also *Quin* v. *Aldwell*, *Batty*, 339, and the cases cited, *ibid.* 351.

The omission of the barony in the notice has been held fatal. (*a*)

Where a notice is given for the quarter sessions, it might be contended on the wording of the act, that the whole freehold should be situate within the division where the claimant seeks to register; and that if one part of it were situated in one division, and another in a different division, but neither of the requisite value, he would not be entitled to register in either. It would seem, however, that as these divisions exist merely as an arrangement for facilitating the administration of justice, and as the applicant is required to have a freehold in the county, and not merely in the division, he should, upon a fair construction of the act in favour of the franchise, be admitted to register in either: these observations are equally applicable to a freehold situate in both ridings of the county of *Cork*, but not of sufficient value in either, though *s.* 38 directs that each riding shall be deemed a county, for the purposes of this act. There can be no doubt that a freehold situate in different counties, but not of the requisite value in either, cannot be registered, unless the qualification in value can be sworn to exist in the county in which the registry is claimed. (*b*)

By *s.* 64, separate freeholds in the same county &c. may now be counted as one freehold, and it is presumed the party may register at a quarter sessions in a division in which either, or part of either is situate.

A person giving notice of a 10*l.* freehold, and proving himself qualified pursuant to his notice, but by a title accrued by descent, devise &c. subsequently thereto, would, it is conceived, be entitled to register. (*c*)

Proceedings, at the Session, to Judgment.

Jurisdiction. Every session for registering voters within the reform act shall be deemed a court of record—*s.* 45; and the

(*a*) *Rob. on Reg. p.* 15.
(*b*) *Ibid. p.* 16.
(*c*) *Ibid. p.* 17.

barrister or chairman may fine and imprison for breaches of duty and contempts in certain cases—*Ibid.*

Officers.

The sheriff or undersheriff of each county, city and town, the clerk of the peace or his deputy, and the town clerks for each county, city, town or borough, or his deputy, and the high constable of the barony in which the court of sessions shall be held, and such number of other constables as the presiding barrister shall deem sufficient, shall attend the court from day to day—*s.* 43.

The clerk of the peace, and town clerk, or deputy, as the case may be, shall attend with such original affidavits or affirmations, and every such book and registry, as they are required to *keep*, OR to attend with and produce at any election—*Ibid.*

See the 35 *Geo.* III. *Ir. c.* 29, as to the clerk of the peace's book in counties at large, *s.* 42; in boroughs where the right is in the inhabitants, *ss.* 56—62; in corporations, *s.* 73; see also the 60 *Geo.* III. & 1 *Geo.* IV. *c.* 11, *ss.* 8, 10, 29, and 10 *Geo.* IV. *c.* 8, *s.* 29. As to counties of cities and towns, see the 4 *Geo.* IV. *c.* 55, *ss.* 13, 18, 30, 44, 45, 49.

Adjournment.

In case any exigency shall render it necessary for the barrister to adjourn any session for the registry of votes, so appointed to be holden, or in case he shall be so directed by the Lord Lieutenant, it shall be lawful for him to adjourn and continue the same, as circumstances shall require, either to the same place, or to such other place or places as the Lord Lieutenant shall direct—*s.* 33.

Order of proceeding.

The assistant barrister or chairman is required to hear and determine such applications at the general sessions, at the commencement of such sessions, *and before any other business civil or criminal*—*s.* 27.

The clerk of the peace or his deputy shall call the names of the persons contained in the list in alphabetical order—*s.* 16.

And twice again, at the least, during the sessions, shall call over the names of all such persons as did not appear at the first calling—*Ibid.*

Each claimant's case shall be heard in the order of his appearance—*Ibid.*

Evidence. Witnesses.

If any person shall refuse to be sworn or to give evidence, upon the investigation of any claim to register, without sufficient lawful excuse, the barrister, &c. may order such person to pay a fine, &c. or in default commit, &c.—*s.* 39.

Quakers and Moravians may make affirmation— (*a*) *s.* 41; and the taking of any false oath or affirmation under this act is made perjury—*s.* 42.

Production of deeds, &c.

Each person (claimant), when called, shall produce in open court the deed, lease, or instrument, if any, *duly stamped*, by virtue of which he shall claim a right to be registered;—or shall, by his own oath, or otherwise as the barrister, &c. shall require, sufficiently account for the non-production thereof;—or, if he shall not claim by virtue of a deed, lease, or instrument, or is disabled from producing such deed, lease, or instrument, then such person shall otherwise establish his right to be registered as such voter, pursuant to his notice, according to the provisions of this act—*s.* 16.

Stamps.

The requisite, of the instrument being stamped, was insisted on by previous statutes; 60 *Geo.* III. & 1 *Geo.* IV. *c.* 11, *s.* 32; 4 *Geo.* IV. *c.* 55, *s.* 11; 10 *Geo.* IV. *c.* 8, *s.* 6.

This applies, certainly, to all cases of claimants applying to register as freeholders and leaseholders; but, where the party claims as a householder, if it happens that he holds under a deed or writing, does it follow that he is bound to produce it? The clause requires the pro-

(*a*) It is conceived that it is the common law right of all sects of professing Christians [say of all mankind, *vid. ante*, p. 171,] to be *sworn* in the form prescribed by their religion, and such as they consider binding on their consciences. This has been recognised in the case of the *Scotch* covenanters, even in criminal matters; see *Mildrone's case*, 1 *Leach*, 319; *Cowp.* 390; and in other cases; see 2 *Sid.* 6, *Peake*, 22, where witnesses professing the Christian religion were sworn according to a form different from the usual one. The 21, 22 *Geo.* III. *Ir. c.* 57, *ss.* 1, 2, (which is conceived to be only declaratory,) permits a seceder, in civil cases, to be *sworn* according to the form therein prescribed; viz.: by holding up his right hand, as the sign of an oath, and by repeating these words, "I do solemnly and sincerely swear before Almighty God." As both covenanters and seceders do take an *oath*, and *swear* in the strict sense of the word, although different from the common form, it is conceived that they can register without any alteration in the forms in the schedule. *Rob. on Reg. pp.* 13, 14.

duction of the party's lease, &c. *by virtue of which he shall claim a right to be registered;* and if occupancy give the franchise, not title, the production of the lease, &c. though it may be satisfactory evidence, does not appear altogether essential. If, indeed, there appear to be any such, its *contents* cannot, consistently with the rules of evidence, be considered unless it be produced, or a ground laid for admitting secondary evidence of its contents, and if produced, it cannot be looked at unless duly stamped.

The admission of a freeman appears, manifestly, to be an "instrument" *by virtue of which* the party *claims a right to be registered.* Even if it were not, the stamp on the admission is a necessary part of the freeman's *title*, except in certain cases, *Ante. pp.* 132 *&c;* and the doubt is, if the admission be an "instrument," within the meaning of this clause, whether the stamp must not be shown even in the instances before excepted?

It may be right here to notice the cases upon the stamp act, where the stamped instrument is not forthcoming.

A regular stamp may be presumed in certain cases; as where the instrument is in the hands of an adverse party, who refuses to produce it after notice; for the adverse party may prove the negative. (*a*) If an instrument, which ought to be stamped, is proved to have been lost, parol evidence of its contents may be admitted without proof of the stamp being regular, where it can be presumed, from the circumstances of the case, that the instrument was duly stamped. (*b*)

In a late case, upon a question of settlement between two parishes, it appeared, that an indenture of apprenticeship, which had been regularly executed 30 years before, was delivered to the apprentice at the end of the term and lost; that a premium had been paid with the apprentice; and further, that the parish, in which he had served under the indenture, had for many years treated

(*a*) *Crisp* v. *Anderson*, 1 *Stark.* 35. (*b*) 1 *Phill, Evid.* (*7th Edit.*) 525.

nim as one of their parishioners; on the other side it was proved by the deputy register and comptroller of the apprentice duties, that it did not appear that such an indenture had been stamped with the premium stamp, or enrolled, from the time of the date to the time of the trial of the appeal; but it was held right, in the justices at the sessions, to have presumed that the indenture had been properly stamped. "The question," said Lord *Ellenborough*, "was, whether the presumption, that all was rightly done after the lapse of so many years, was sufficiently rebutted by the negative evidence of the officer; they thought not, and we cannot say that they have done wrong: for the presumption of law is to be favoured, and against the negative evidence they may have set the possibility of an irregularity in the returns made to the officer." (*a*)

Title of landlord.

No person is bound to produce the title deeds of any landlord, under whom he may claim or derive, or make proof of such title, and possession and perception of rent shall be deemed *primâ facié* evidence of such landlord's title; *s.* 16.

Former practice.

Assistant barristers in investigating the *title* of the person claiming to register, have in general been satisfied by the production of a valid, and subsisting lease, purporting to convey an adequate freehold estate to the claimant, or to some person, whose interest he can shew legally vested in him; they do not call upon him to prove, formally, the execution of the deed by the subscribing witnesses, but rest upon his own testimony as to its validity in that particular; these sections merely requiring the production of the deed, lease, or instrument, duly stamped, and directing the assistant barrister to inspect and examine it; nor have they in practice generally instituted any inquiry into the title of the lessor, upon the principle, that the execution of a freehold lease, accompanied by possession in the lessee under it, amounts to *primâ facié* evidence of a fee, or other sufficient freehold estate in the lessor;

(*a*) *Rex* v. *Inhabitants of Long Buckley*, 7 *East*, 45.

some assistant barristers, however, conceiving that this *primâ facié* evidence of a sufficient freehold estate is rebutted, by any recital or statement in the lease produced, or by any admission of the claimant of the existence of any deed, or instrument, under which his lessor derives his interest in the premises out of which the registry is claimed, have required the production of the title of the lessor, so far as to satisfy them, that he had such an estate vested in him as would entitle him to orginate the freehold interest of the applicant; but this practice under the 10 *Geo.* IV. *c.* 8., was overruled by Lord *Plunket, C. J.* in the case of *Ex-parte Staunton*, which decision, adverting to the grounds upon which it was founded, seems to establish, thatthe assistant barrister was in no case authorised to demand the production of the lessor's title, though it did not, it is conceived, go the length of precluding him from rejecting the claim, upon the production of satisfactory evidence impeaching the title of the lessor, or upon the admission of the party himself, that his lessor had not a sufficient freehold interest. The case of *ex-parte Staunton* was an appeal from an order of the chairman of the county of *Dublin*, rejecting the claimant, "for defect of title," who admitted that his lessor held, by some lease, his interest from the owner in fee; but what this interest was, did not appear, nor was the lease which conveyed it produced. Lord *Plunket* reversed this order, upon the grounds, that the tenant could not compel the production of the deed showing his lessor's title, and as such production might be prejudicial to the parties interested, it would be doing injustice to the claimant to require him to do that which he had no power to do, and thereby virtually deprive him of his franchise.—*Com. Pleas, May*, 1830, Sittings after *Easter* term. (*a*)

Value, &c.

If claiming as a freeholder, leaseholder or householder, the party shall also make it appear that the property in

(*a*) *Rob. on Reg. pp.* 24, 25.

respect of which he seeks to be registered is of the *value* and *nature* by the act prescribed, and that he is *otherwise* duly qualified to be registered; *ss.* 16, 17.

Former certificate.

A certificate of registry pursuant to the previous laws shall be taken as *primâ facié* evidence of the right to be registered without further proof or oath; and in cases where the certificate is not produced, the barrister may refer to any original affidavit or affirmation, or transcript, or record thereof, or any entry thereof in the books which the clerks of the peace or town clerks are authorized or required to make, or keep; and if he be satisfied, this shall be sufficient, without oath or further proof, unless cause to the contrary shall appear; *s.* 22.

But all 40*s.* freeholders, and 5*l.* householders must appear *in person* to be examined on oath, and must, if required, make proof of the nature and sufficiency of their qualification; *s.* 23.

A certificate of a former registry under *this* act, shall be deemed to be *primâ facié* evidence of the right of voting; *s.* 27.

Opposition to claim.

The claim may be opposed; but no person shall be received as the opposer of any claimant who shall not be himself a registered voter, or a person who has served a a notice to register as a voter, or some counsel, attorney or agent duly authorised by such voter or claimant to appear for him or on his behalf; *s.* 18.

Duty of Barrister.

The barrister shall examine every deed, &c. produced—and may enquire as well by the oaths of the claimants as by any other evidence offered in support of, or in opposition to the claim, &c. and into the *truth* of the several particulars, required by the provisions of the act, *or required to be stated in any oath by the claimant* prescribed in the act to be taken for such registry; *s.* 17.

Adjudication of title.

And he shall determine upon the validity or invalidity of the claim,—and whether the claimant is or is not to be registered as a voter, *s.* 17;—and if he shall deem him so *entitled, and not subject to any legal disqualification,* (*a*) he shall so declare and adjudge; *s.* 19.

If it appear to him that the claimant is not so entitled, shall refuse to permit him to be registered, and shall make an order accordingly;—and, if insufficiency of value be the ground, the order of refusal shall state such insufficiency as the ground of such order;—or otherwise shall state the objection, by reason whereof the claimant has been adjudged not to be entitled to be registered; *s.* 21. Order of refusal.

Such order shall be without prejudice to any future application;—*Ibid.*

As there are not *negative* words in the act, that the presiding barrister *shall not* allow a claimant to register his vote, if his name be not in the list of the clerk of the peace, or if he has not given the specified notice of his intention to apply, it may be questioned whether the jurisdiction of the barrister does not subsist, notwithstanding such omissions to include the name or give the notice? Question, if notice be not given &c.

On the one hand it were hard to say, that a man who has duly given notice shall be prejudiced by the neglect or default of the officer, or when he himself has not been in default; for instance, his title may not have accrued to him in sufficient time, to give the required or any notice, and is he therefore to be excluded from his franchise, and left to his remedy against the officer? It will be observed, too, that, by *s.* 13, when the title accrues to any person by descent, &c. *at any time* within six months next before such registry, such person *shall be* entitled, in respect thereof, to be registered as a voter at the registry, &c. *then next* to be had.

On the other hand, the 15th section requires that *every* person intending to apply shall give notice; and it may be urged that this is imperative, as one object of the notice is, to admit those, who may have the means of defeating an invalid claim, to come forward and oppose it, *s.* 18.

The authorities referred to, on other similar questions, seem sufficiently to authorise the inference, that the omission of the ministerial officer, where the notice has

been in fact regularly given, shall not prejudice the franchise, the enactments, as to his duties, being directory. Whether that is the effect of the enactments as to the giving of the notice, is not so clear; but even if it be not, still, operation may, perhaps, be given to the express provisin of *s.* 13, admitting those whose title had not accrued in time to give the notice required. See *p.* 192 &c.

Proceedings on Appeal.

Appeal, To whom.

If an order of refusal be made, the claimant may appeal therefrom to the judges of assize, at the next assizes for the county, city, town, or place within which the property is situate; *ss.* 24, 25, 27; or in the case of any voter in the county of *Dublin*, or city of *Dublin*, to a judge of any of the superior Courts of Record in *Dublin*, at *nisi prius*, at the sittings for the city of *Dublin* next after such order made; *s.* 44.

On question of value.

When the order is grounded on insufficiency of value, the judges, or one of them, shall enquire, by the verdict of a *jury*, whether the property is of the annual value, within the meaning of this act, at which the claimant seeks to register his vote, *s.* 24.

The jury shall be returned by the same officer, and in the same manner in which juries are now returned in cases of appeal from the decrees of assistant barristers on civil bills; (*a*)—*Ibid.*

(*a*) By the 2 *Geo.* I, *Ir. c.* 11, *s.* 1, in case any judge or judges before whom such *demand* shall be tried, shall think it proper to have any fact or facts, controverted in the cause, tried by a jury, in such case, a jury *shall be returned instantly by the proper officer*, to try such fact or facts, and the judge or judges shall proceed to make their decree on the verdict of such jury; for the returning of which jury, *the returning officer* shall have the fee of 1*s.* and no more, and the judge's clerk for entering such verdict 6*d.* And by *s.* 5, if any fact shall be controverted in such *appeal*, and shall appear doubtful to the judge or judges, such facts shall be tried by a jury, to be returned immediately, at the prayer of the party, before the judge or judges; and a decree and decrees, &c. shall be given thereon *in manner as aforesaid*. By the 36 *Geo.* III. *c.* 25, *s.* 29, an appeal is given from the decree or dismiss made by the *assistant barrister;* and the judges of assize, or one of them are and is empowered and required to rehear the cause, *in the same manner* as they are empowered and directed to do, in case of appeals from the decrees made by judges of assize, in other cases. The 33d section, appointing the several fees which may be taken, includes—

	£.	*s.*	*d.*
"To the *sheriff* for returning a jury - -	0	1	0
"To the clerk of the peace for entering a verdict	0	0	6"

If the jury shall give a verdict in favour of the claim, and the judge shall consider such claim to be in *other* respects well founded, the order, so complained of, shall be thereupon *reversed*, and the claimant be declared and adjudged entitled to be registered as a voter under this act; *ibid.*

When the order of refusal is made upon any other ground, the judges or one of them shall have power, *on motion*, to review such order, and either to *affirm* or *reverse* the same, as shall be fit, and thereupon to adjudicate; *s.* 25.

The adjudication on the appeal shall have the same effect as if it had been made by the barrister, &c. at the sessions; *ss.* 24, 25, 27, 44.

Of the Oath or Affirmation of Registry.

The person declared entitled by the barrister, &c. shall verify his title by affidavit, and take and subscribe (as the case may be,) the oath stated in schedule (C), *instead of* any former oath or oaths; *s.* 19.

This must be taken subject to the exceptions in *ss.* 22 and 27, in favour of those before registered.

The affidavit shall be *signed* by the barrister, &c., and shall be by him *delivered* to the clerk of the peace or his deputy, *s.* 20,

To be filed and kept *amongst the records of the county, city, town, or borough; ibid.*

And the barrister is required to take care that such oaths shall be agreeable to the form prescribed, *or as near thereto as may be; ibid.*

And no objection in point of *form* shall at any time be allowed to any such oath when signed; *ibid.*

If the order of the barrister, &c. be *reversed* upon appeal, the judge shall thereupon cause the *oath* to be taken and subscribed, &c., in like manner as the barrister is required to do,—and shall cause such acts to be performed by the clerk of the peace or his deputy, and such proceedings to be had, as directed and required when the voter is registered at sessions; *s.* 26.

One of the principal objects of registry being, to obtain upon record precise materials for ascertaining the identity of the freeholder, when he presents himself to exercise his franchise, care should be taken to describe him accurately by his christian name, and his usual surname. (*a*) More objections have been raised at elections, founded on variances between the name at top, and the one subscribed to the affidavit, or between both and the name in the certificate, or in the registry book, than upon any other subject; and as objections of this class may prove matters of *substance*, the cases are here stated.

Numerous cases have occurred upon variances between the affidavit, certificate and entry in the registry book; to instance a few of them, in which the vote has been admitted:—*Mahor* in registry book, *Mahon* in affidavit, which was the name of the voter; *Gorman*, name at top of affidavit, and in registry book, signed *M'Gorman*, which was the voter's name; *Horan* in registry book, affidavit signed *Horahan*, which was the name of the voter. So *clerical errors* occurring in the memorial of annuity deeds, have been held not to vitiate; (*b*) and it has been holden, that a new commission was not necessary to correct a *clerical error*, where the name was *idem sonans*, as "Balwin" for "Baldwin," and mere *surplusage* does not vitiate a commission of bankruptcy. (*c*) But where the name of a person tendering his vote does not agree with the affidavit of registry, but does with the registry book he has not been allowed to poll. (*d*)

The election acts do not define what addition of place is to be considered sufficient; but under the statute of additions, 1 *Hen.* V. *c.* 5, it is said, that a man may be named of a vill, or hamlet, or of a hamlet within a vill, but the addition of a parish is not good, nor the addition of a barony, if there are divers vills in both. (*e*) But a

(*a*) *Co. Litt.* 3, *a*; *Bac. Abr. Misnomer, A. and B.* 1. If a man be confirmed by a name different from his name of baptism, that becomes his name; 2 *Ro. Abr.* 135, *Nosme A.*

(*b*) 6 *Durnf. and E.* 545; 19 *Ves.* 535.

(*c*) In *re Baldwin*, 2 *Rose*, 20; see also 2 *Salk.* 661, *Cowp.* 229; 2 *East. P. C.* 977.

(*d*) *Rob. on reg.* 41, 94.

(*e*) *Theloal. Dig. L.* 6, *c.* 14, *s.* 20; 2 *Co. Inst.* 669; *Bac. Abr. Misnomer B.* 4.

clergyman named rector of a particular church, is a good addition, because he is intended resident (*a*); so the freeholder should state his residence with sufficient precision to prevent any inference of fraud; but it has been held a sufficient addition of place to name a person of a city, or town, without specifying the street, &c. (*b*)

As to the description, see *ante*, p. 184. (*c*)

Land is a sufficient description of houses, waters, woods, &c. at common law, (*d*) but in the 10*l.* freeholders affidavits it must be understood in a more limited sense, as the soil occupied by pasture or tillage; if therefore the tenement be only profitable as a residence, land is an inadequate description; thus a house and cart shed, or a small court yard, were held insufficiently described as land—and "houses and lands" were considered an inadequate description of two houses, and two small gardens. (*e*) These decisions occurred on the *English* act, 18 *Geo.* II. *c.* 18, which required from the voter an oath, stating the nature and situation of his freehold, and the place of his abode, Land unbuilt upon, cannot be described as house or houses;—if, therefore, the freehold be occupied by residence, or tilling or grazing, or by residence and both the latter, it will be well described, as house and lands; and it is the safest course to adopt either or both of these words, in each case, as they may be applicable. See 51 *Geo.* III. *c.* 77, *s.* 1, which seems still in force as to this point, and contains the following provision: "Every *such* oath or affirmation shall be good, valid, sufficient, and effectual in law, in which the actual occupation of such freehold shall be stated to be either by residing thereon, or by both tilling and grazing, or by all or any or either of said means, whether stated copulatively or disjunctively. The directory clause in the 6th schedule is nearly similar.

(*a*) *Farmer's case*, *Middlesex*, 2 *Peckw.* 55.

(*b*) *Bac. Abr. Misnomer*, *B.* 4.

(*c*) Addition of rank, profession or mystery, was not required by the former act; *Rob. on Reg.* 42; the direction in *Sched. C. Nos.* 2, and 3, is "description," which seems a wider phrase than "addition of estate, degree or mystery," as used in the 1 *Hen.* V. c. 5; see 2 *Co. Inst.* 668, 669, 670.

(*d*) *Co. Littl.* 4, *a*; *ante*, *p.* 78.

(*e*) *Middlesex*, 2 *Peckw.* 59, 60.

On the same English statute, it was decided—that "*John-street, St. Sepulchre,*" the street being really "*St. John-street,* was sufficient, the difference being immaterial. So, situate in "*Greenfield-street, Whitechapel,*" was held sufficient, though the freehold lay in "Mile-end old town," part of *G.*-street being in the one, and part in the other, and the whole popularly called *G.*-street, *Whitechapel.* But where the freehold, situate in one place, was described to be in another, and it did not appear to be so spoken of in common language; the vote was disallowed. (*a*) Whenever it is *necessary* to name the townland, it must be named by its ancient name, though it should have acquired a different modern appellation, and no equivalent, as the name of a town or village, will serve in place of the townland, the omission or mistaking of which was held fatal; the same of barony or half barony. (*b*) But the name of the townland has been held sufficient without giving it the appellation of townland.(*c*)

The directory words, "or other denomination," &c. correspond with those used in the 60 *Geo.* III. & 1 *Geo.* IV. *c.* 11, *s.* 35, under which it has been held that the townland need not be stated, but that the insertion merely of the denomination, or common name by which the place is generally known is sufficient. (*d*)

By 40 *Geo.* III. *c.* 80, *s.* 1, in the registry of all freeholds situate in the city of *Londonderry,* and in that part of the liberties thereof situate and lying on the north-*west* side of the river *Foyle,* and in the town of *Coleraine,* and that part of the liberties thereof, lying on the north-*east* side of the river *Bann* respectively, the words barony or half barony, townland or townlands, shall be omitted in the oath or affirmation of the person registering the same, and the words "*City of Londonderry,*" or "*That part of the liberties thereof, situate and lying on the north-west side of the river Foyle,*" or "*Town of Coleraine,*"

(*a*) 2 *Peckw.* 56, 57.
(*b*) *Giff. on Elect.* 70.
(*c*) *Rob. on Reg.* 42.
(*d*) *Rob. on Reg.* 43.

or *That part of the liberties thereof, situate and lying on the north-east side of the river Bann,*" (as the case may be,) shall be respectively inserted in their place; provided always, that " all freeholds in that part of the city of *Londonderry* situate and lying on the north-*east* side of the river Foyle, shall be registered as " *being and lying in the half-barony of Tyrkeerin,*" and all freeholds in that part of the liberties of *Coleraine* on the north-*west* side of the river *Bann*, shall be registered as " *being and lying in the half-barony of Coleraine.*"

The affidavit stated, that I am a freeholder of ——— (blank) held sufficient, as other parts of the affidavit stated the freehold to be within the county. (*a*)

Where the affidavit stated the interest to be derived under a lease, and the voter swore he held it under a will; his vote was rejected. (*b*)

The affidavit did not state whether the voter held by deed, lease, or instrument, or set forth any other title: it was held bad; but the omission of a date to the deed, as stated in the affidavit, does not seem to be material, as it operates from delivery, and may be valid without any date; and when the affidavit bore date *April*, 1800, and stated a lease, dated *April*, 1803, it was held no defect. (*c*)

In the barony of ——— (blank) held fatal: the affidavit did not state out of what the freehold arose, whether houses or land, held that the statement of actual occupation by tilling and grazing cured the defect; but the omission of the mode of occupation, by tilling, &c. has been held fatal. (*d*) The name subscribed to the affidavit did not correspond with the name at the top, but was the same with the entry, the vote was held good. The affidavit of a marksman and his name subscribed, held bad: and also when no mark appeared to have been made. The omission of the signature either of the justices, or of one of them: or of the clerk of the peace to the certificate of

(*a*) *Rob. on Reg.* 93.
(*b*) *Ibid.*
(*c*) *Ibid.*
(*d*) *Ibid.*

former registries, is fatal, or of the assistant barrister, or clerk of the peace, or judge on appeal, to certificate under 10 *Geo.* IV. *c.* 8; but the want of the statement of their being justices, has been held no objection. The omission of the signature of the voter, or of the justices, or of a judge, or of the assistant barrister to the affidavit, is fatal, but the omission of the clerk of the peace's signature is not, his duty being ministerial. (*a*)

It is not a valid objection to an affidavit that the date of the *jurat* differs from that in the caption; the caption being no part of the affidavit, and if the date of either corresponds with the entry in the registry, it will be sufficient; affidavits are now frequently dated as of the first day of the session, and not of the day on which they are sworn, and the entry in the book is dated on the day the affidavit is sworn, which it is also conceived would be no valid ground of objection. In this case, perhaps, the registry would date from the first day of the sessions, as the session is considered in law but as one day. It has been decided, that where there is no date to the affidavit it is bad, but this seems to be very questionable: the forms prescribe no date, the entry of which is the ministerial duty of the officer, and the time of the registry can be ascertained by reference to the registry book, if the affidavit correspond substantially in other particulars with the entry; the caption of the affidavit stating the day of sessions, though no date to the *jurat*, has been held sufficient. (*b*)

The registry of any freehold shall not be impeached on account of any irregularity in the holding or adjourning of any sessions from whence the sessions at which such freehold should have been registered, shall have been adjourned, either directly, or any adjournment of adjournments, provided such latter sessions shall have been duly and regularly held in all other respects; 37 *Geo.* III. *c.* 47, *s.* 11, (and see *s.* 10); 4. *Geo.* IV. *c.* 55, *s.* 15.

(*a*) See *ante p.* 192 *&c.*

(*a*) *Rob. on Reg.* 94.

Of the certificate of registry.

Upon any person being declared entitled to be registered as a voter, the clerk of the peace, or his deputy, shall, upon payment to him of the sum of one shilling, (and the party is exempt from any other fee, 2, 3 *Will.* IV. *c.* 88. *s.* 34,) give to the person so declared entitled a *certificate on parchment, signed* by such clerk of the peace or his deputy, as also by the barrister, chairman, or judge, (see *s.* 26,) declaring such right;—that such person has been registered as a voter for such county, city, town, or borough,—and the character and right in which he has been so registered, and the date of such registry; *s.* 28, and *Sched. D. Nos.* 1, 2, 3.

He shall also then and there make an *entry* of such certificate at the foot of the voter's affidavit of registry, and *sign* his name to such entry; *s.* 28.

In the case of those before registered as the party is entitled to a new certificate without the oath (*ss.* 22, and 27,) this entry, it seems, is to be made at the foot of the original affidavit of registry.

Clergymen claiming as freeholders in right of their benefices, and 50*l.* freeholders may register either at the special or any general quarter sessions; and may register by taking and subscribing the proper oath in any of the superior courts of record, in *Dublin*, or before a judge at the assizes, in the manner now by law authorised. (*a*) *s.* 46.

The oath shall be *subscribed* by one of the judges of the court before whom it is taken; *ibid.*

Being delivered to the clerk of the peace, it shall be *signed* by him, and kept amongst the records of the proper county; *ibid.*

(*a*) See the 35 *Geo.* III. *Ir. c.* 29, *ss.* 36, 37; and 10 *Geo.* IV. *c.* 8, *s.* 25; for counties at large; and the 4 *Geo.* IV. *c.* 55, *s.* 9, for counties of cities, and towns; and the 35 *Geo.* III. this required the affidavit to be *produced at* the sesssons, and *read aloud* there in open court; ceremonies which 10 *Geo.* IV. and the reform act have dispensed with.

Such freeholder shall be *thereupon* (*a*) entitled, upon payment of the fee of 1*s.* to receive, *at any quarter sessions* of the peace for the *division* of the county, in which his freehold shall be situate, a certificate of his registry, as a voter, for such county, city, or town respectively; which certificate shall be in the form prescribed &c., and shall be signed by the *assistant barrister* and clerk of the peace, or his deputy, and shall be of equal validity with any certificate to be granted by this act, and subject to the same provisions; *ibid.*

The frame of this section exposes it to many questions upon its construction. (*b*)

It entitles the party upon delivery of the affidavit to the clerk of the peace, to a certificate at a *quarter* sessions.

Quære, whether this mode of registry is allowable in the ridings of the county of *Cork,* where there are *five* general sessions? So it may be questioned whether it can be done in the county of *Dublin,* or city of *Dublin*? But though the chairman is not mentioned, yet the 40th section gives him the functions of an assistant barrister, and although, the registry sessions for the city of Dublin are not sessions *of the peace,* yet the registry shall be conducted as before an assistant barrister. We have already stated the doubt, as to the power of registering a freehold for a borough in this manner; *Ante. p.* 61.

Again, can such freeholds be registered *in this manner* at the first special sessions? The first word of the clause says they may be registered *either* at the special or any general, quarter sessions. That seems as if some particular benefit were intended; but the clause pointing out this special mode of obtaining a certificate is confined to the *quarter* sessions. So was the 10 *Geo.* IV. *c.* 8, *s.* 25.

As the claimant who has delivered the oath, subscribed by the judge, to the clerk of the peace, is entitled,

(*a*) The signature of the assistant barrister to the *oath* is not required in this case; *Rob. on Reg.* 13.

(*b*) *See Ante p.* 60.

in the cases, whatever they be, to which the clause applies, to a certificate *upon* the oaths being signed by the clerk of the peace &c., it seems to follow, that the barrister is deprived of all judicial power over the case; except, perhaps, to determine whether the oath is conformable to the directions of the act. Neither does it appear that the judge has any such power.

Another consequence seems to be, that such parties are not bound to serve any *notice* of their intention to register at the session where they claim upon affidavits, so subscribed by a judge. (*a*)

By the 45 *Geo.* III. *c.* 59, *s.* 10, and 4 *Geo.* IV. *c.* 55, *s.* 78, for the better securing the performance of the duties directed to be performed by the clerk of the peace or his deputy, in respect to the registry of freeholds; it was enacted, that the several clerks of the peace or their deputies, of the several counties of *Ireland*, should, at the general quarter sessions of the peace, or adjournment thereof, next after the passing of the act, or at the next general quarter sessions of the peace, or adjournment thereof next after his appointment, take and subscribe an oath. (*b*)

Which oath the said clerks and deputy clerks of the peace are required to deliver to the treasurer of the county, to preserve amongst the records of the county. This section seems to be still in force by the operation of the 55th section of the reform act, but the form would require the addition of the following words, so as to embrace the whole of the election code as it now exists: "or by any other act or acts now in force touching the registry of electors."

Every deed, lease, or instrument, produced by any person making the affidavit or affirmation *aforesaid*, shall be indorsed at the time in open court by the clerk of the peace, with his name and the day of the month and year; and the clerk of the peace shall then and there compare

(*a*) *Rob. on Reg.* 15. (*b*) See the form *App*, I. *pp.* 209. 304.

the deed, lease, or instrument, with the affidavit of registry; 45 *Geo.* III. *c.* 59. *s.* 3; 4 *Geo.* IV. *c.* 55. *s.* 14.

The section seems still in force, and was acted upon in practice at sessions on registries, under 10 *Geo.* IV. *c.* 8, of 10*l.* and 20*l.* freeholders. (*a*)

The acting clerk of the peace at every sessions of registry, shall, in counties, immediately after each affidavit or affirmation of registry shall have been signed, and before he proceeds to do any other business whatsoever, in counties of cities and towns, within ten days, *enter* into a book the substance, of every such affidavit or affirmation, in the form prescribed (*b*), 60 *Geo.* III. & 1 *Geo.* IV. *c.* 11, *s.* 28, and 4 *Geo.* IV. *c.* 55, *s.* 13.

It is not a valid objection to the entry of the registry, that it does not appear to have been signed by two justices as required by 1 *Geo.* IV. *c.* 11, *s.* 28, or by the assistant barrister, pursuant to the same section, as modified by 10 *Geo.* IV. *c.* 8. An important question was raised upon this ground at the *Armagh* election, 1826, affecting the right of several hundred voters; the objection in substance was, that a certificate corresponding with the entry of registry being required by 1 *Geo.* IV. *c.* 11, *s.* 10, to entitle the voter to poll, he could not be permitted to do so, where this certificate was signed by two justices, but the entry of registry was not signed at all; the votes were admitted by the assessor. (*c*)

List of Registered Voters.

The clerk of the peace for each county, city, town and borough, shall under the direction and with the advice of the chairman or barrister, on or before the 1st of *February* in each year, examine, correct, and make out *complete alphabetical lists of the registered voters* in each county, city, town, and borough, in which he has

(*a*) *Rob. on Reg. p.* 35.
(*b*) See *App. pp*, 257, 277.
(*c*) *Rob. on Reg. p.*

acted, in making such registry, with the *dates* of their *registrations* respectively annexed; 2, 3, *Will.* IV. *c.* 88, *s.* 35.

And on or before that day cause such lists to be printed, and *posted* in some conspicuous place in the counties to which they relate; and deliver copies at 1*s.* for each; *Ibid.*

ADDENDA ET CORRIGENDA.

Page 30. In column 2, of Table III., opposite to "the Borough of *Carlow*" for "*Carlow*" read "*Carlow* and *Queen's* county"; and, oposite to "*Coleraine*," for "*Londonderry* and *Antrim*," read "*Londonderry*."

Page 67, at the end, add ——

By the 50 *Geo.* III. *c.* 25, the grantee or lessee of persons thereby enabled to grant lands for endowing schools, is disabled from voting as a freeholder by virtue of such grant. *App. p.* 221. —

Page 109. To the note in the margin, add ——

Householder. Joint occupiers.

By reference to the *English* and *Scotch* reform acts it will appear that they expressly enact where the premises, shall be *jointly* occupied by more persons than one, as owners or tenants, that each of such joint occupiers shall, subject to the conditions before mentioned, be entitled to vote in respect of the premises so jointly occupied, *in case* the clear yearly value of such premises shall be of an amount, which, when divided by the number of such occupiers, shall give a sum of not less than 10*l.* for each and every such occupier, *but not otherwise.* These negative words, coming imediately after the section which confers the 10*l.* householders' franchise, in terms similar to those in the *Irish* reform act, (naming the occupier, in the singular number only, on the one hand, and, on the other,

specifiying the premises "of the clear yearly value of not less than 10*l.*" go far to show the opinion of the legislature, 1st, that the enfranchising clause extends to joint occupiers; 2dly, that, in the case of joint occupiers, without such additional negative clauses, the words of the previous section would not have required that the premises should be of a greater annual value than 10*l.* Indeed, this latter proposition is manifest; and the only real doubt is, whether the enfranchising clauses apply to joint occupiers, which the *English* and *Scotch* acts seem to prove in the affirmative. If so, a close attention to the clause will also prove, that it is immaterial whether the parties hold the house &c. as joint tenants, or tenants in common; for it is not upon *tenancy*, but upon *occupation* that the franchise is founded; and, before partition, it is plain, that the *occupation* of tenants in common is joint.

The 26 *Geo.* III. *G. B c.* 38, enacted that no person should be capable of acting as a commissioner of a court of requests, unless he was a *householder* within the place, and possessed of a certain property. On a question as to the legality of an appointment to the office of register of the court, it was held, that where *A.* carried on trade in partnership with others, and had a dwelling house and counting-house attached to it in the city (*Bristol*) the counting-house being used by different partners, who daily resorted thither for the purposes of their trade, and the dwelling house being occupied by a clerk or servant of the firm, paid by them, as were also the rates, taxes, &c. he, and each of his partners was a householder of the city within the act, although neither he nor they actually resided with their families in *Bristol.* So, also, where the dwelling house was occupied by one of the partners rent-free, and the taxes &c. were paid by the firm. *Rex.* V. *Hall*, 1 *Barn.* & *C.* 123.

The case was argued with great learning, and ABBOTT, C. J., said, in giving judgment, "*Each* of them *with his partners*, is *the tenant*, or holder of a dwelling-house:

each either by a servant or a partner, sleeps in such house; and each is in the daily habit, for the purposes of business, of resorting to such a dwelling-house, or to some of the buildings connected with it."

In a case which occurred soon after, *A. B.* and *C.* carrying on trade in partnership had a dwelling-house, yard, and premises in a parish in *London;* all the partners were in the habit of frequenting the premises daily for the purpose of business; but none of them resided there. The dwelling house was inhabited by a clerk, who managed the business for them, bnt the rent, rates and taxes, were paid by the firm; and it was held, that *each* of the partners was a *householder* within the 43 *Eliz. Eng. c.* 2, and liable to serve the office of overseer. The judgment of the court in this case is important, for they observe, "When a similar question was under consideration last term, we were not insensible that a distinction might be attempted to be made between those cases where the legislature intended to confer a benefit, and others where it intended to impose a burden. We are of opinion, *that there was no foundation for such a distinction*, and that the same rule of construction ought to prevail in all cases." *Rex* v. *Poynder*, 1 *Barn. & C.* 178.

The editor is indebted to Serjeant *Perrin* for these references.

Page 115, after the last paragraph, add—

Householders letting part of the house.

In the case of the borough of *Chippenham*, 1 *Peckw.* 262, the right of election was determined to be "in the bailiff, burgesses, and freemen, *being householders of* and resident in the ancient burgage houses within the borough." And it was resolved, that "the vote of a freeman, being the *bonâ fide* householder of, and resident in, an ancient burgage house within the borough, was good, *notwithstanding he takes into his house lodgers, or inmates.*" The following was the argument for the affirmative of the proposition. "It cannot be contended that a man is less a householder, who admits a lodger into his house. A householder is he who takes the whole

house; has an original right to the outward door or entrance; is responsible for the rent to the landlord; and to the public for taxes and rates, and for serving parish offices, if lawfully required. But although he should let a part of his house to another, he continues still as responsible in these particulars as before, and to the same extent; this letting, therefore, does not affect his character as a householder. The resolutions contained in the case of *Cirencester*, 2 *Fra.* 449, contains, by implication, the same doctrine: they are directed against the inmates, whose right was then in question; but it seems to be admitted, that a householder, who has an exclusive right to the use of the outward door of the building, although by taking inmates he may have relinquished for a time the exercise of that exclusive right, still continues a householder, and may vote as such."

Householders not residing in the house.

The question as to the meaning of the word "householder," was also discussed in the case of (second) *Ilchester*, 2 *Peckw.* 237; where the right of voting was "in the bailiff, capital burgesses, and *inhabitants*, not receiving alms," and it was agreed that "a voter for the borough must be a *householder*, and have a legal settlement there." The committee acted upon the rule, that evidence was not admissible to show the sense of the word householder in a particular place; and so to the legal signification of the word, it was contended by the counsel for the sitting member, that it signifies "one who hath personally inhabited and dieted himself." They cited Dr. *Johnson*, who defines 'householder' to be "the master of a family," and 'housekeeper' to be a "householder, master of a family," and argued from this and other authorities, (see *Jac. Law Dict.* "Householders, *paterfamilias*, is the occupier of a house, a housekeeper, or master of a family,) that the two words were synonymous, and that a man who did not *reside* in the house was not within the definition. On the other side, the distinction was to him between householder, and housekeeper, that the former word did not include

the idea of actual residence, and diet, as the latter did. The chairman delivered the opinion of the committee, that since the right of voting had originally been declared to be in the inhabitants at large, and since that right appeared to have afterwards been restricted to inhabitants of a particular description, the committee, adverting to the general principle of the original representation of this borough, would restrain the right as little as possible, and they required only, that the voter should be an inhabitant of the borough legally settled, that he should be the *bonâ fide* occupier of a house within it, either as his own, or as tenant to the owner of it; and that he should have the control of the outer door of it. He further added, that the committee desired it might be understood, that they did not take upon themselves to decide upon the precise meaning of the word 'householder' as a general term, or to furnish an authority in any future case.

" It is perfectly immaterial what interest the occupier has; whether he holds as tenant at will, or by any other tenure; it is not necessary to inquire into the occupier's title"; *per Buller S.* 1 *Durnf.* & *E.* 343, *Lord Bute* v. *Grindall;* there, the ranger of a royal park was held rateable, as such to the poor, for inclosed land, in the park; yielding certain profits which were granted to the ranger. So in *Rex.* v. *Mathews, Cald.* 1, it was held that one occupying a lodge and two acres of land, whether he paid for them *by rent* or *by service*, was equally liable. Thus, even a servant, holding the premises in consideration of service, where the profits were to his own use, was held an occupier. Tenancy.

APPENDIX I.

ELECTION STATUTES.

PART I.—ACTS OF THE PARLIAMENTS OF ENGLAND AND GREAT BRITAIN, WHICH HAVE BEEN ADOPTED BY ACTS OF THE PARLIAMENT OF IRELAND.

PART II.—ACTS OF THE PARLIAMENT OF IRELAND.

PART III.—ACTS OF THE PARLIAMENTS OF ENGLAND AND GREAT BRITAIN ADOPTED BY ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM.

PART IV.—ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM.

APPENDIX I.

ELECTION STATUTES.

PART I.

ACTS OF THE PARLIAMENTS OF ENGLAND AND GREAT BRITAIN, WHICH HAVE BEEN ADOPTED BY ACTS OF THE PARLIAMENT OF IRELAND. (*a*)

No. 1.—3 Edw. I. Eng. & Ir. Westm. I. c. 5.
A.D. 1275.

Freedom of Election.

"And because elections ought to be free, the king commandeth upon great forfeiture, that no man,(*b*) by force of arms, nor by malice, or menacing,(*c*) shall disturb any to make free election."

No. 2.—5 Edw. II. Eng. & Ir. c. 29.
A.D. 1311.

Of holding parliaments annually.

"Forasmuch as many persons are delayed in the king's court of their demands, because that the party alledgeth, that

(*a*) By a statute of 13 *Edw. II. Ir.* it is said, (see note to Sir *Richard Bolton's* Edition of the *Irish* statutes; 1 *Gabb. Dig.* Preface p. ix.) the *English* statutes of *Merton*, 20 *Hen. III.*; of *Westm.* 1, 3 *Edw. I.*: of *Gloucester*, 6 *Edw. I.*; and *Westm.* 2, 13 *Edw. I.*; were all confirmed by the parliament of *Ireland*. By the 8 *Edw. IV. Ir. c.* 1, all statutes and acts, made by authority of parliament within the realm of *England*, were ratified, and confirmed, and adjudged by the parliament of *Ireland*, in their force and effect from the 8th of *March* then last past, (A.D. 1468); and by the 10 *Hen. VII. Ir. c.* 22, it was ordained that, "alle statutes late made within the realm of *England*, concerning or belonging to the common and publique weal of the same from henceforth be deemed good and effectuall in the law; and, over that, be acceptyd, used, and executed, within this land of *Ireland*, in all points, at all times requisite, according to the tenor and effect of the same; and, over that,—— that they and every of them be authorized, proved, and confirmed in this said land of *Ireland*. And if any estatute or estatutes have been made† within this said land hereafter† to the contrary, they and every of them ——be annulled, revoked, voyd, and of none effect in the law." See also *Lynch on Elect.* 29, 30. as to the 13 Edw. II. Ir. A. D. 1332.

† Sic.

(*b*) The original, in *Lib. Rub. Scacc. Dublin*, is, "*que nul, haut home ne autre*;" literally, "no great man nor other."

(*c*) The original, *ibid.* is "*malice*," merely; for which is read "*manasce*," in *Lib Horn.*

the demandants ought not to be answered without the king, and also many people be aggrieved by the king's ministers against right, in respect of which grievances no one can recover without a common parliament; we do ordain, that the king shall hold a parliament once in the year, or twice, if need be, and that in a convenient place: and that in the same parliaments, the pleas, which are in the aforesaid form delayed, and the pleas whereon the justices are of divers opinions, shall be recorded and determined. And, in like manner, the bills shall be finished which are delivered in parliament, in such sort as law and reason demand."

No. 3.—7 EDW. II. ENG. & IR. c. 1.
A.D. 1313.

A Statute forbidding bearing of Armour.

"THE king to the justices of his bench, sendeth greeting. Whereas of late before certain persons deputed to treat upon sundry debates had between us and certain great men of our realm, amongst other things it was accorded, That in our next parliament after, provision shall be made by us, and the common assent of the prelates, earls, and barons, that in all parliaments, treatises, and other assemblies, which should be made in the realm of *England* for ever, that every man shall come without all force and armour, well and peaceably, to the honour of us, and the peace of us and our realm; and now in our next parliament at *Westminster*, after the said treatise, the prelates, earls, barons, and the commonalty of our realm, there assembled to take advice of this business, have said, that to us it belongeth, and our part is, through our royal seigniory, straitly to defend bearing of armour, and all other force against our peace, at all times when it shall please us, and to punish them which shall do contrary, according to our laws and usages of our realm; and hereunto they are bound to aid us as their sovereign lord at all seasons, when need shall be: we command you, that ye cause these things to be read afore you in the said bench, and there to be enrolled. Given at *Westminster*, the thirtieth day of *October*." The king forbids the coming armed to parliament, &c.

No. 4.—4 EDW. III. ENG. & IR. c. 14.
A.D. 1330.

"ITEM, it is accorded, that a parliament shall be holden every year once, and more often if need be." Annual parliaments.

No. 5.—36 Edw. III. Eng. & Ir. c. 10.
A.D. 1362.

Parliament every year.

"Item, for maintenance of the said articles and statutes, and redress of divers mischiefs and grievances which daily happen, a parliament shall be holden every year, as another time was ordained by statute."

No. 6.—46 Edw. III.—*Ex. Rot. Parl.* 46 *Edw. III. m.* 1. *nu.* 13. (*a*) A.D. 1372.

"Whereas men of the law who follow divers businesses in the king's courts on behalf of private persons, with whom they are, do procure and cause to be brought into parliament many petitions in the name of the commons, which in no wise relate to them, but only the private persons with whom they are engaged; also sheriffs who are common officers for the people, and ought to be abiding in their office, for the doing right to every one, are named, and have heretofore been and returned to parliament knights of the shires, by the same sheriffs; it is accorded and assented in this parliament, that hereafter no man of the law following business in the king's court, nor any sheriff for the time that he is sheriff, be returned nor accepted knights of the shires; nor that they who are men of the law and sheriffs now returned to parliament have any wages; but the king willeth that knights and serjeants of the most worthy of the county be hereafter returned knights in parliament; and that they be elected in full county."

Practising lawyers and sheriffs shall not be returned to parliament as knights of the shires.

No. 7.—5 Ric. II. Eng. & Ir. stat. 2. c. 4.

Every person to whom it belongeth shall, upon Summons, come to the Parliament. A.D. 1382.

"Item, the king doth will and command, and it is assented in the parliament by the prelates, lords, and commons, that all and singular persons and commonalties, which from hence-

(*a*) "This *Ordinance* was first printed in the edition of the statutes published by *Cay*; together with several of the petitions of the commons in this parliament, and the answers thereto, arbitrarily selected from those entered on the parliament roll of this year: the reason given by *Cay* for introducing these petitions and answers is, that 'one of the ordinances' of this parliament is printed 'as a statute' in the preface to the third part of Lord *Coke's* Reports, and is cited as such in Colonel *Sidney's* trial, 35 *Car. II.* and in Lord *Preston's* trial, *anno 2 Will. & Mary.* What is thus termed 'one of the ordinances' by *Cay*, and 'an act of parliament' by Lord *Coke*, is a petition with the king's answer thereto, 'Le Roi le voet,' relating to the search and exemplification of records, entered

forth shall have the summons of the parliament, shall come from henceforth to the parliaments in the manner as they are bound to do and have been accustomed within the realm of *England* of old times. (2) And if any person of the same realm, which from henceforth shall have the said summons (be he archbishop, bishop, abbot, prior, duke, earl, baron, banneret, knight of the shire, citizen of city, burgess of borough, or other singular person, or commonalty) do absent himself, and come not at the said summons, (except he may reasonably and honestly excuse him to our lord the king) he shall be amerced and otherwise punished, according as of old times hath been used to be done within the said realm in the said case. (3) And if any sheriff of the realm be from henceforth negligent in making his returns of writs of the parliament; or that he leave out of the said returns any cities or boroughs, which be bound, and of old time were wont to come to the parliament, he shall be punished, in the manner that was accustomed to be done in the said case in times past."

Absentees punished.

Punishment of sheriff omitting his return.

No. 8.—7 HEN. IV. ENG. & IR. c. 15.

The Manner of the Election of Knights of Shires for a Parliament. A.D. 1405.

"ITEM, our lord the king, at the grievous complaint of his commons in this present parliament, of the undue election of the knights of counties for the parliament, which be sometime made of affection of sheriffs, and otherwise, against the form of the writs directed to the sheriff, to the great slander of the counties and hinderance of the business of the commonalty in the said county;" (2) our sovereign lord the king willing therein to provide remedy, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, hath ordained and established, That from henceforth the elections of such knights shall be made in the form as followeth: (that is to say) at the next county to be holden after the delivery of the writ of the parliament, proclamation shall be made in the full county of the day and place of the

Election of knights.

on the parliament roll *m.* 5. *nu.* 43: but it does not appear that any act was ever drawn up or enrolled in form, on the statute roll or otherwise, either upon that petition, or upon any of the other petitions which have a similar answer. The cause assigned for the insertion of such petitions and answers in this particular instance by *Cay*, would apply to many other petitions and answers entered on the parliament rolls, which are incidentally considered as statutes by Lord *Coke* and other writers; but none of which are found enrolled in the form of acts, or inserted in any printed editions of the statutes. The instrument printed in the text, is expressly stated on the parliament roll, *m.* 1, *nu.* 13, to be an ordinance made in this parliament; and having been printed by *Cay* is therefore here reprinted, with a translation thereof."—1 *Statutes of the Realm*, p. 394, *note.*

parliament, (3) and that all they that be there present, as well suitors duly summoned for the same cause as other, shall attend to the election of the knights for the parliament, (4) and then in the full county they shall proceed to the election freely and indifferently, notwithstanding any request or commandment to the contrary; (5) and after that they be chosen, the names of the persons so chosen (be they present or absent) shall be written in an indenture under the seals of all them that did choose them, and tacked to the same writ of the parliament, which indenture so sealed and tacked shall be holden for the sheriff's return of the said writ touching the knights of the shires. (6) And in the writs of the parliament to be made hereafter, this clause shall be put: "*Et electionem tuam, in pleno comitatu tuo factam, distincte et aperte, sub sigillo tuo et sigillis eorum qui electioni illi interfuerunt, nobis in cancellaria nostra, ad diem et locum in brevi contentum certifices indilate.*"

No. 9.—11 Hen IV. Eng. & Ir. c. 1.

The Penalty on a Sheriff for making an untrue Return of the Election of the Knights of the Parliament.

A.D. 1409.

7 H. 4. c. 15.

"First, whereas in the parliament holden at *Westminster*, the 7th year of the reign of our said lord the king, there was ordained and established by a statute for the preservation of the liberties and franchises of the election of the knights of the shire used through the realm, a certain form and manner of the election of such knights, as in the said statute more fully is contained: (2) and forasmuch as in the same statute no penalty was ordained or limited in special upon the sheriffs of the counties, if they make any returns to the contrary of the same statute," (3) 'it is ordained and stablished, that the justices assigned to take assizes shall have power to inquire in their sessions of assizes, of such returns made; (4) and if it be found by inquest, and due examination before the same justices, that any such sheriff hath made, or hereafter shall make, any return contrary to the tenor of the said statute, that then the said sheriff shall incur the penalty of 100*l.* to be paid to our lord the king; (5) and moreover, that the knights of the counties so unduly returned, shall lose their wages of the parliament, of old time accustomed."

Inquest of office before justices of assize.

No. 10.—1 Hen. V. Eng. & Ir. c. 1.

What sort of People shall be chosen, and who shall be choosers of the Knights and Burgesses in Parliament.

A.D. 1413.

"First, that the statutes of the election of the knights of the shires to come to the parliament be holden and kept in all

points: (2) adjoining to the same, that the knights of the shires which from henceforth shall be chosen in every shire, be not chosen unless they be resident within the shire where they shall be chosen, the day of the date of the writ of the summons of the parliament. (3) And the knights and esquires, and other which shall be choosers of those knights of the shires, be also resident within the same shires, in manner and form as is aforesaid. (4) And moreover, it is ordained and established, That the citizens and burgesses of the cities and boroughs be chosen men, citizens and burgesses, resiant, dwelling and free in the same cities and boroughs, and in no other in any wise."

No. 11.—6 HEN. VI. ENG. & IR. c. 4.

The Sheriff's Traverse to an Inquest found, touching returning Knights of the Parliament.

A.D. 1427.

"ITEM, where it was ordained and established in the 7th year of King *Henry* the Fourth, grandfather of our lord the king that now is, that knights of shires for the parliament should be chosen in the manner and form following; that is to say, at the next county to be holden after the delivery of the writ of the parliament, proclamation shall be made in the full county of the day and place of the parliament, (2) and that all they which be present there, as well suitors duly summoned for this cause, as other, shall attend to the election of their knights for the parliament, (3) and then in full county they shall proceed to the election freely and indifferently, notwithstanding any request or commandment to the contrary; (4) and that after they be chosen, whether such persons chosen be present or absent, their names shall be written in indentures under the seals of all the choosers, and annexed to the said writ of parliament, which indenture so sealed and tacked, shall be holden for the return of the said writ, as to the knights of the said shires; (5) and also in the writs of the parliament hereafter to be made, this clause shall be put in the manner as followeth: *Et electionem tuam, in pleno comitatu tuo factam, distincte & aperte, sub sigillo tuo & sigillis eorum qui electioni illi interfuerint, nobis in cancellaria nostra, ad diem & locum in brevi contentos certifices indilate.* (6) And for that in the same statute no pain was ordained, nor especially set upon the sheriffs of the county, if they make their return contrary to the said statute, it was ordained and established the 11th year of the said King *Henry* the Fourth, That the justices of assizes should have power to inquire in their sessions of assizes, of such returns made; (7) and if it be found by inquest and due examination before the same justices, that any such sheriff hath made, or hereafter shall make, any return contrary to the tenor of the said statute, that the same sheriff should incur

7 H. 4. c. 15.

11 H. 4. c. 1.

the pain of 100*l.* to be paid to our said lord the king, (8) and moreover that the knights so unduly returned shall lose their wages of the parliament in old times accustomed; (9) to the great mischiefs of sheriffs and knights of the shire, which be forebarred and put out of their answer against such inquests of office, taken before the said judges, because of the statutes and ordinances aforesaid." (10) 'Our lord the king, willing in this case to provide remedy, hath ordained and established, That all the knights of the shires, chosen for this present parliament, and the sheriffs of the same counties against whom any inquests or offices of undue election be found before the justices of assizes, shall have their answer and traverse to such inquests of office taken; (11) and also all the knights from henceforth so to be chosen, and the sheriffs that shall make such elections shall have their answer and traverse to such inquests and offices before any justices of assizes hereafter to be taken; (12) and the said knights and sheriffs shall not be endamaged unto our said lord the king or his successors, for any such inquest taken, or to be taken, until they be duly convict according to the form of the law."

The knights chosen for the parliament, and the sheriffs of counties, may have their traverse of an office found against them.

No. 12.—8 Hen. VI. Eng. & Ir. c. 7.

What sort of Men shall be Choosers, and who shall be chosen Knights of the Parliament. A.D. 1429.

"Item, whereas the elections of knights of shires to come to the parliaments of our lord the king in many counties of the realm of *England*, have now of late been made be very great, outrageous and excessive number of people dwelling within the same counties of the realm of *England*, of the which most part was of people of small substance, and of no value, whereof every of them pretended a voice equivalent, as to such elections to be made, with the most worthy knights and esquires, dwelling within the same counties, whereby manslaughters, riots, batteries, and divisions among the gentlemen and other people of the same counties, shall very likely rise and be, unless convenient and due remedy be provided in this behalf;" (2) 'our lord the king, considering the premises, hath provided, ordained, and established by authority, of this present parliament, That the knights of the shires to be chosen within the same realm of *England*, to come to the parliaments of our lord the king, hereafter to be holden, shall be chosen in every county of the realm of *England*, by people dwelling and resident in the same counties, whereof every one of them shall have land or tenement to the value of forty shillings by the year, at the least, above all charges; (3) and that they which shall be so chosen, shall be dwelling and resident within the same counties; (4) and such as have the greatest number of them that may expend forty shillings by the year, and above, as afore is

7 H. 4. c. 15.

The qualifications of the electors.

What is required of the candidates.

said, shall be returned by the sheriffs of every county, knights for the parliament, by indentures sealed betwixt the said sheriffs and the said choosers so to be made. (5) And every sheriff of the realm of *England* shall have power by the said authority, to examine upon the Evangelists every such chooser, how much he may expend by the year; (6) and if any sheriff return knights to come to the parliament, contrary to the said ordinance, the justices of assizes, in their sessions of assizes, shall have power by the authority aforesaid, thereof to inquire; (7) and if by inquest the same be found before the justices, and the sheriff thereof be duly attainted, that then the said sheriff shall incur the pain of 100*l.* to be paid to our lord the king, and also that he have imprisonment by a year, without being let to mainprize or bail: (8) and that the knights for the parliament, returned contrary to the said ordinance, shall lose their wages.

The sheriff impowered to examine the electors upon oath, touching their estates.

Justices of assizes to inquire of the returning of knights to parliament.

Penalty on the sheriff for undue returns.

Provided always, that he which cannot expend forty shillings by year, as afore is said, shall in no wise be chooser of the knights for the parliament; (2) and that in every writ that shall hereafter go forth to the sheriffs to choose knights for the parliament, mention be made of the said ordinances.

Knights falsely returned shall lose their wages.

No. 13.—10 HEN. VI. ENG. & IR. c. 2.

Certain Things required in him who shall be a chooser of the Knights of Parliament. A.D. 1432.

"ITEM, whereas at the parliament holden at *Westminster*, the morrow of *St. Matthew* the apostle, the 8th year of the king that now is, it was ordained by the authority of the same parliament, that the knights of all counties within the realm of *England*, to be chosen to come to the parliaments hereafter to be holden, should be chosen in every county by people dwelling and resiant in the same, whereof every one shall have freehold to the value of 40*s.* by year, at the least, above all charges, upon a certain pain contained in the same statute; (2) not making express mention in the same, that every man that shall be chooser of any such knights shall have freehold to the value of 40*s.* at the least, above all charges, within the same county, where such chooser with other like shall make such election, or elsewhere:" (3) 'and therefore our lord the king, willing to make plain declaration of the said statute, by the advice and assent aforesaid, and at the special request of the said commons hath ordained, That the knights of all counties within the said realm, to be chosen to come to parliaments hereafter to be holden, shall be chosen in every county by people dwelling and resiant in the same, whereof every man shall have freehold to the value of 40*s.* by the year, at the least, above all charges within the same county where any such chooser will meddle of any election.'

8 H. 6. c. 7.

No. 14.—23 Hen. VI. Eng. & Ir. c. 11. (*a*)

The Order of Levying the Wages of the Knights of the Parliament.

A.D. 1444.

The order of the levying of the wages of the knights of the shire for the parliament.

"Item, whereas before this time divers sheriffs in divers counties of *England*, by colour of writs to them directed, to levy the wages of the knights of the shires for the time being, of the parliament of the king that now is, and of his noble progenitors, have levied more mony then hath been due to the said knights, and more then they have delivered, keeping and retaining great part of the mony to their own use and profit, to their officers and servants, to the great loss of the common people of the said counties: (2) The king considering the premisses, hath ordained by the authority aforesaid, that the sheriff of every county for the time being, in the next county court holden in their counties, after the delivery of the said writs directed to them, shall make open proclamation, that the coroners and every chief constable of the peace of the said counties, and the bailiffs of every hundred or wapentake of the same county, and also other which will be at the assessing of the wages of the knights of the shires, shall be at the next county there to be holden to assess the said wages of the said knights. (3) And that the sheriff, under sheriff, coroners, or bailiffs for the time being, be there at the same time in their proper person, upon pain of forfeiture to the king of every of them that maketh default, forty shillings. (4) At which time the said sheriff or undersheriff in the presence of them that shall come to the same, and of the suitors of the same counties then being there in the full county well and duly shall assess every hundred to that assessable by itself, to pay a certain sum for the wages of the knights of

The penalty of the sheriff or his officers which do levy more money than is assessed.

Amount of the wages.

(*a*) The 35 *Hen. VIII. Eng. c.* 11, concerning the payment of the fees and wages of knight and burgesses for *Wales*, recites that—"Where the knights of all and every shire of this realm of *England* and *Wales*, and the burgesses of all cities, towns, and boroughs of the same be named, elected, and chosen for their assembly in the king's high court of parliament, as by ancient laudable laws and customs of this realm hath been used and accustomed, at and by the king's majesty's high commandments, unto the which knights and burgesses their fees and wages be assigned certainly; that is to say, to every knight by the day 4*s.*, and to every citizen and burgess by the day 2*s.* or more, as heretofore hath been accustomed, accounting for the same so many days as the said high court of parliament endureth, with addition thereunto of so many days as every such knight and burgess may reasonably journey and resort from their habitations or dwelling places to the said high court of parliament, and from the said high court to return to their habitations or dwelling places, together with their costs of writs, and other ordinary fees and charges; which wages, fees, and charges, at all times ought to be levied and collected by the sheriffs, and by the mayors, bailiffs, and other head officers of and in the cities, boroughs, and towns aforesaid." The process was the king's writ, *de solutione feodi militis* (or *burgensis*) *parliamenti*, directed to the sheriff, mayor, bailiff, or other head officer of the shire, city, borough, or town.

the shire, so that the whole sum of all the hundreds do not exceed the sum which shall be due to the said knights. (5) And after that in the same county they shall assess well and lawfully, every village within the said hundreds, which should be there assessable to a certain sum for the payment of the said wages, so that the whole sum of all the towns within any of the said hundreds do not exceed the sum assessed upon the hundred of which they be. (6) And that the said sheriffs, under sheriffs, bailiffs, nor any other officer, for the cause aforesaid, shall levy more mony of any village than that whereunto they were assessed: (7) and if any do, or will assess any hundred or village, otherwise then is aforesaid, that they shall forfeit for every default to the king twenty pound, and to any man which shall sue in this case, ten pound.

Who may prosecute suit against the offenders, and by what writ.

II. And that the said sheriffs well and duly shall levy the mony so assessed upon the aforesaid villages, as speedily as they well may after the said assessing, and the same shall deliver to the said knights, according to the writs thereof to be made upon the said penalties. (2) And he that will sue in this case, shall be thereunto admitted, and shall have for his action in this case a *scire facias* against him that offendeth contrary to this ordinance; (3) and if the defendant duly warned in the same make default, or else appear and be in the same convict, that then the plaintiffs shall recover against them which be so convict, ten pound to their own use over the said twenty pound, with their treble damages for the costs of their suits.

Who may enquire of, hear and punish the offenders aforesaid.

III. And the justices of the king's bench, and of the common place, justices of assises, and gaol-delivery, and justices of peace in every county, shall have power to enquire, hear, and determine of all the said defaults, as well by enquiry at the king's suit, as by action at the suit of the parties. (2) And that all such expenses of knights, shall not be levied of any other villages, seigniories or places, but of such whereof it hath been levied before this time.

The knights wages shall be levied but in such places where they have been.

IV. And that in every such writ from henceforth to be made to levy the wages of the said knights, this act shall be comprehended in the same."

No. 15.—23 HEN. VI. ENG. & IR. c. 15.

Who shall be Knights for the Parliament. The Manner of their Election. The Remedy where one is chosen and another returned. A.D. 1444.

"ITEM, whereas by authority of parliament, holden at *Westminster*, the first year of the reign of King *Henry*, father to the king that now is, amongst other things it was ordained, that the citizens and burgesses of cities and boroughs, coming to the parliament, should be chosen men, citizens, and burgesses

resident, abiding, and free, in the same cities and boroughs, and none other, as in the same statute more fully is contained; (2) which citizens and burgesses, have always in cities and boroughs been chosen by citizens and burgesses, and no other, and to the sheriff of the counties returned, and upon their returns received and accepted by the parliament before this holden. (3) And also, whereas by authority of a parliament holden at *Westminster*, the eighth year of the reign of the king that now is, it was ordained in what manner and form the knights of the shires coming to the parliaments, from thenceforth to be holden, should be chosen, and how the sheriffs of the same counties thereupon should make their returns, as in the same statute more fully appeareth; (4) by force of which statute elections of knights to come to the parliaments sometimes have been duly made and lawfully returned, until now of late, that divers sheriffs of the counties of the realm of *England*, for their singular avail and lucre, have not made due elections of the knights, nor in convenient time, nor good men and true returned, and sometime no return of the knights, citizens, and burgesses lawfully chosen to come to the parliaments; (5) but such knights, citizens, and burgesses have been returned, which were never duly chosen, and other citizens and burgesses then chose which by the mayors and bailiffs were to the said sheriffs returned; (6) and sometimes the sheriffs have not returned the writs which they had to make election of knights to come to the parliaments, but the said writs have imbesiled, and moreover made no precept to the mayor and bailiff, or to the bailiffs or bailiff where no mayor is, of cities and boroughs, for the election of citizens and burgesses to come to the parliament by the colour of these words contained in the same writs, '*Quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites, et pro qualibet civitate in comitatu tuo duos cives, et pro quolibet burgo in comitatu tuo duos burgenses;* (7) and also because sufficient penalty and convenient remedy for the party in such case grieved is not ordained in the said statutes against the sheriff, mayors and bailiffs, which do contrary to the form of the said statutes:' (8) the king considering the premises hath ordained by authority aforesaid, That the said statutes shall be duly kept in all points; (9) and moreover that every sheriff, after the delivery of any such writ to him made, shall make and deliver without fraud, a sufficient precept under his seal to every mayor and bailiff, or to bailiffs or bailiff where no mayor is, of the cities and boroughs within this county, reciting the said writ, commanding them by the same precept, if it be a city, to choose, by citizens of the same city, citizens, and in the same manner and form if it be a borough, by the burgesses of the same, to come to the parliament. (10) And that the same mayor and bailiffs, or bailiffs or bailiff where no mayor is, shall return lawfully the precept to the same sheriffs, by indentures betwixt the same sheriff and them to be made of the said elections, and of the names of the said citizens and burgesses by them so chosen,

8 H. 6. c. 7.

Defaults of sheriffs in their returns.

The sheriffs to send out precepts to the mayors and bailiffs of cities, &c. to elect citizens, &c. to serve in parliament.

and thereupon every sheriff shall make a good and rightful return, of every such writ and of every return by the mayors and bailiffs, or bailiffs or bailiff where no mayor is, to him made. (11) And that every sheriff at every time that he doth contrary to this statute, or any other statutes for the election of knights, citizens, and burgesses to come to the parliament, before this time made, shall incur the pain contained in the said statute made the said 8th year, and moreover shall forfeit and pay to every person hereafter chosen knight, citizen, or burgess in his county, to come to any parliament, and not duly returned, or to any other person, which in default of such knight, citizen, or burgess will sue, an 100*l.* whereof every knight, citizen, and burgess so grieved, severally, or any other person which in their default will sue, shall have his action of debt against the said Sheriff, or his executors or administrators, to demand and have the said 100*l.* with his costs spent in that case. (12) And that in such action taken by virtue of this statute the defendant shall not wage his law of the demand aforesaid in any wise, (13) and that no defendant in such action shall have any essoin. (14) And in the same manner at every time that any mayor and bailiffs, or bailiffs or bailiff where no mayor is, shall return other than those which be chosen by the citizens and burgesses of the cities or boroughs where such elections be, or shall be made, shall incur and forfeit to the king 40*l.* and moreover shall forfeit and pay to every person hereafter chosen citizen or burgess to come to the parliament, and not by the same mayor and bailiffs, or bailiffs or bailiff where no mayor is returned, or to any other person which, in default of such citizen or burgess so chosen, will sue, 40*l.* whereof every of the citizens and burgesses so grieved severally, or any other person, which in their default will sue, shall have his action of debt against every of the said mayor and bailiffs, or bailiffs or bailiff where no mayor is, against their executors or administrators, to demand and have of every the said mayor and bailiffs, or bailiffs or bailiff where no mayor is, 40*l.* with his costs in this case expended; (15) and that in such action of debt, taken by force of this statute, no defendant in any wise shall wage his law of the said demand, nor have any essoin.

The penalty on a sheriff making an undue return of a member of parliament.

The penalty on a mayor or bailiff making an undue return.

s. 2. 'And that every sheriff that maketh no due election of knights to come to the parliament, in convenient time, that is to say, every sheriff in his full county, betwixt the hour of 8 and the hour of 11 before noon, without collusion in this behalf; (2) and that every sheriff that maketh not good and true return of such elections of knights to come to the parliament in time to come, as to them pertaineth, in manner and form aforesaid, shall forfeit to the king an 100*l.* and also shall incur the pain of an 100*l.* to be paid to him that will sue against him, his executors or administrators for this cause, by way of action of debt, with his costs in this behalf expended, without waging of law of his demand or having essoin as afore is said.

At what time of the day the knights for the shire shall be chosen.

Suits to be commenced within three months after the parliament begun.

s. 3. 'Provided always, that every knight, citizen, and burgess, to come to any parliament, hereafter to be holden in due form chosen and not returned, as afore is said, shall begin his action of debt aforesaid, within three months after the same parliament commenced to proceed in the same suit effectually without fraud; (2) and if he so do not, another that will sue shall have the said action of debt (as it is before said) and shall recover the same sum with his costs spent in this behalf, in manner and form aforesaid, so that no defendant in such action shall wage his law nor be essoined in any wise, as afore is said; (3) and if any knight, citizen, or burgess, hereafter returned by the sheriff to come to the parliament in the manner aforesaid, after such return, be by any person put out, and another put in his place, that such person so put in the place of him which is out, if he take upon him to be knight, citizen, or burgess, at any parliament in time to come shall forfeit to the king an 100*l.* and an 100*l.* to the knight, citizen, or burgess, so returned by the sheriff, and after as afore is said put out; (4) and that the knight, citizen, or burgess, which is so put out, shall have an action of debt of the same 100*l.* against such person put in his place, his executors or administrators; (5) provided always, That he shall begin his suit within three months after the parliament commenced: (6) and if he do not, then he that will sue shall have an action of debt of the same 100*l.* against him, which is put in place of him that is so put out after such return, his executors, or administrators, and that no defendant in such action shall wage his law nor be essoined: (7) and that such process shall be in the actions aforesaid, as in a writ of trespass done against the peace at the common law; (8) so that the knights of the shires for the parliament, hereafter to be chosen, shall be notable knights of the same counties for which they shall be chosen; or otherwise such notable esquires or gentlemen born of the same counties, as shall be able to be knights; (9) and no man to be such knight which standeth in the degree of a yeoman and under.'

The penalty if any chosen to be knight, citizen, or burgess, be put out and another put in his place.

What sort of persons shall be chosen knights of the shires.

No. 16.—30 Car. II. Eng. & Ir. Stat. 2. (*a*)

An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.

3 *Car. I. c.* 2.

s. 1. "Forasmuch as divers good laws have been made for preventing the increase and danger of popery in this kingdom, which have not had the desired effects, by reason of the free

(*a*) By the 21, 22 *Geo. III. Ir. c.* 48, (commonly called *Yelverton's* act,) *s.* 3, it was enacted, amongst other things, that "all such statutes made in *England* or *Great Britain*, —— —— —— as relate to *the taking*

access which popish recusants have had to his majesty's court, and by reason of the liberty which of late some of the recusants have had and taken to sit and vote in parliament:"

s. 2. Wherefore, and for the safety of his majesty's royal person and government, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *December*, which shall be in the year of our Lord God one thousand six hundred seventy and eight, no person that now is or hereafter shall be a peer of this realm, or member of the house of peers, shall vote, or make his proxy in the house of peers, or sit there during any debate in the said house of peers; nor any person that now is, or hereafter shall be a member of the house of commons, shall vote in the house of commons, or sit there during any debate in the said house of commons after their speaker is chosen; until such peer or member shall, from time to time respectively, and in manner following, first take the several oaths of allegiance and supremacy, and make, subscribe, and audibly repeat this declaration following.

The declaration.

s. 3. I, *A. B.* do solemnly and sincerely, in the presence of God, profess, testify, and declare, That I do believe that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the Virgin *Mary*, or any other saint, and the sacrifice of the mass, as they are now used in the church of *Rome*, are superstitious and idolatrous. And I do solemnly, in the presence of God, profess, testify, and declare, That I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by *English* protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning."

The time and place of taking the oaths, and making and subscribing the declaration.

s. 4. Which said oaths and declaration shall be in this and every succeeding parliament solemnly and publickly made and subscribed betwixt the hours of nine in the morning and four in the afternoon, by every such peer and member of the house

any oath or oaths, or making or *subscribing any declaration* or affirmation in this kingdom, or any *penalty* or *disability* for omitting the same, shall be accepted, used, and executed in this kingdom, according to the present tenor of the same respectively."

of peers, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there with their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting with their speaker in his chair; and that the same be done in either house in such like order or method as each house is called over by respectively.

Members of parliament not swearing and declaring as aforesaid, and recusants convict, forbidden the king's or queen's presence.

s. 5. And be it further enacted, That from and after the said first day of *December*, every peer of this realm, and member of the house of peers, and every peer of the kingdom of *Scotland*, or of the kingdom of *Ireland*, being of the age of one and twenty years or upwards, not having taken the said oaths, and made and subscribed the said declaration; and every member of the said house of commons, not having as aforesaid taken the said oaths, and made and subscribed the said declaration; and every person now, or hereafter convicted of popish recusancy, who hereafter shall at any time after the said first day of *December*, come advisedly into or remain in the presence of the king's majesty or queen's majesty, or shall come into the court or house where they or any of them reside, as well during the reign of his present majesty, (whose life God long preserve) as during the reigns of any his royal successors kings or queens of *England*; shall incur and suffer all the pains, penalties, forfeitures, and disabilities in this act mentioned or contained; unless such peer, member, or person so convicted, do respectively, in the next term after such coming or remaining, take the said oaths, and make and subscribe the said declaration in his majesty's high court of chancery between the hours of nine and twelve in the forenoon.

The penalty upon members of parliament offending contrary to this act.

s. 6. And be it further enacted by the authority aforesaid, That if any person that now is or hereafter shall be a peer of this realm, or member of the house of peers, or member of the house of commons, shall presume to do any thing contrary to this act, or shall offend in any of the cases aforesaid; that then every such peer and member so offending shall from thenceforth be deemed and adjudged a popish recusant convict to all intents and purposes whatsoever, and shall forfeit and suffer as a popish recusant convict; and shall be disabled to hold or execute any office or place of profit or trust civil or military, in any of his majesty's realms of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in any of his majesty's islands or foreign plantations to the said realms belonging; and shall be disabled from thenceforth to sit or vote in either house of parliament, or make a proxy in the house of peers, or to sue or use any action, bill, plaint, or information, in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift; and shall forfeit, for every wilful offence against this act, the sum of five hundred pounds, to be recovered and received by him or them that shall sue for the same, and to be

prosecuted by any action of debt, suit, bill, plaint, or information, in any of his majesty's courts at *Westminster*, wherein no essoin, protection, or wager of law, shall lie.

Either house of parliament may cause any of their members to swear and subscribe as aforesaid.

s. 7. And be it further enacted by the authority aforesaid, That, from the said first day of *December*, it shall and may be lawful to and for the house of peers and house of commons, or either of them respectively, as often as they or either of them shall see occasion, either in this present parliament, or any other hereafter to be holden, to order and cause all or any of the members of their respective houses of parliament, openly in their respective houses of parliament, to take the said oaths, and to make and subscribe the said declaration, at such times, and in such manner, as they shall appoint. And if any peer shall, contrary to such order made by their said house, wilfully presume to sit therein, without taking the said oaths, and subscribing the said declaration, according to the said order, every such peer or member of the house of peers, so presuming to sit, shall be adjudged, and is hereby declared to be uncapable and disabled in law to all intents and purposes whatsoever, to sit in the said house of peers, and give any voice therein, either by proxy or otherwise howsoever, during that parliament: and if any member or members of the house of commons shall, contrary to such order made by their house, wilfully presume to sit therein, without taking the said oaths, and making and subscribing the said declaration, every such member or members of the house of commons, so presuming to sit, shall be adjudged, and is hereby declared to be uncapable and disabled in law to all intents and purposes whatsoever to sit in the said house of commons, or give any voice therein during that parliament.

The places of members of the house of commons, disabled to vote, shall be void, and writs issue out for new elections.

s. 8. And be it enacted, That in every case where any member or members of the house of commons shall, by virtue of this act, be disabled to sit or vote in the house of commons, then and in every such case, without any further conviction or other proceedings against such member or members, the place or places for which they or any of them were elected, is hereby declared void; and a new writ or writs shall issue out of the high court of chancery by warrant or warrants from the speaker of the house of commons for the time being, and by order of the said house, for the election of a new member or members to serve in the house of commons, in the place or places of such member or members so disabled, to all intents and purposes, as if such member or members were naturally dead.

Offenders that shall take the oaths, &c. discharged, &c.

s. 13. Provided nevertheless, That if any offender contrary to this act shall, at any time after such offence, take the said oaths, and make and subscribe the said declaration, in his majesty's high court of chancery, and in the manner aforesaid, every such person shall be from thenceforth freed and discharged of and from all seizures, penalties, and losses which he might otherwise sustain or bear for or by reason of being a popish recusant convict, by virtue of this act; and shall be freed and discharged from all disabilities and incapacities in-

curred thereby; so as such freedom and discharge extend not to restore any such person to any office or place filled and supplied upon voidance by this act; nor to any other office till after the expiration of one year from the taking the said oath, and making the declaration aforesaid; nor to make void, or at any time discharge the said forfeiture of five hundred pounds, incurred as aforesaid.

No. 17.—3 Will. & M. Eng. & Ir. c. 2.

An Act for the abrogating the Oath of Supremacy in Ireland, *and appointing other Oaths.*

s. 1. "Whereas by a statute made in *Ireland* in the second year of the reign of our late sovereign lady queen *Elizabeth*, intituled, "*An Act restoring to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same*," the persons therein mentioned are thereby obliged to take the oath in the said act expressed:

The oath made in *Ireland*, 2 *Eliz. c.* 1. abrogated.

s. 2. Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that from henceforth no person whatsoever residing in *Ireland* shall be obliged to take the said oath by force or virtue of the said recited statute, or any other statute whatsoever; but that the said statute, and every other statute, for so much only as concerns the said oath, shall be and are hereby repealed, utterly abrogated and made void.

What persons are bound to take the new oaths.

s. 3. And be it further enacted, that the oaths appointed, intended, or required by this act to be taken, from and after the first day of *January* next, in the year of our Lord one thousand six hundred ninety-one, be taken by the persons herein and hereafter mentioned, and by every such other person and persons, as were appointed and required by the said recited act, or any other statute whatsoever made in *Ireland*, to take the said abrogated oath, before such person or persons, and in such court as hereafter in this act is expressed (that is to say) all and every archbishop and bishop of the realm of *Ireland* that now is, and all and every person of or above the degree of a baron of parliament there, and all and every other person and persons inhabitants of, or residing within the said realm of *Ireland*, now having any promotion, office or employment ecclesiastical, civil or military, or receiving any pay, salary, fee or wages, by reason of any patent or grant of their majesties, or any of their predecessors, or being master, governor, head, or fellow of the College or University of *Dublin*, or master of any hospital, or school, or barrister at law, clerk in chancery, attorney, or professor of law, physick, or

other science, that shall inhabit, be, or reside within the city of *Dublin*, or within thirty miles of the same, on the first day of *Hilary* term next, or at any time during the said term, in their majesties high court of chancery in that kingdom, or in the court of king's bench there, in public and open court, between the hours of nine of the clock and twelve in the forenoon; and all the said persons which inhabit at greater distance from the said city, at the general quarter-sessions to be holden for that county, barony, or place in *Ireland* aforesaid, where he or they shall be or reside, in open court between the said hours of nine and twelve in the forenoon, at any time before the five and twentieth day of *July* next; and shall likewise make and subscribe, and audibly repeat, the declaration herein and hereafter mentioned and expressed; all which shall be put on record in the said respective courts; and every person taking the same shall pay to the clerk for recording thereof, one shilling and no more. And if any archbishop or bishop, or any other person having any ecclesiastical dignity or promotion, or being a lecturer or curate, shall neglect or refuse to take the said oaths, and make and subscribe the said declaration, as aforesaid, then he or they shall be *ipso facto* deprived, and is and are hereby adjudged to be deprived of his and their offices, dignities, and promotions ecclesiastical, and incapable to be lecturer or curate in any place or cure whatsoever; and all and every other person having any office, or receiving any pay, salary, fee, or wages, by reason as aforesaid, or being master, governor, head, or fellow of the said University or College, or master of any hospital, or school, barrister at law, clerk in chancery, attorney, or professor of law, physick, or other science, as aforesaid, that shall neglect or refuse to take the said oaths, and make and subscribe the said declaration, within the time, and in the manner aforesaid respectively, shall be *ipso facto* thenceforth adjudged uncapable and disabled in law, to all intents and purposes whatsoever, to have, occupy, or enjoy such office, pay, salary, fee, wages, mastership, governor's place, headship, fellowship, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such office and place shall be void, and is hereby adjudged to be void.

Persons within 30 miles of *Dublin*, to take them in the king's bench.

Persons above 30 miles off, in the sessions.

They must repeat the declaration.

Clerk's fee.

Penalty upon clergymen, not taking the oaths, &c.

Penalty upon other persons offending.

s. 5. "And forasmuch as great disquiet and many dangerous attempts have been made, to deprive their majesties and their royal predecessors of the said realm of *Ireland*, by the liberty which the popish recusants there have had and taken to sit and vote in parliament;" be it enacted by the authority aforesaid, that from and after the last day of *January* next, no person that now is, or shall be hereafter a peer of that realm, or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in the said house; nor any person that after the said last day of *January* shall be a member of the house of commons, shall be capable to vote in the said house, or sit there

No member of either house of parliament shall sit before he has taken the new oath and declaration.

during any debate in the same, after their speaker is chosen, until he first take the oaths herein and hereafter mentioned and expressed, and make, subscribe, and audibly repeat this declaration following:

The declaration.

"I, *A. B.*, do solemnly and sincerely in the presence of God profess, testify, and declare, that I do believe, that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the Virgin *Mary*, or any other saint, and the sacrifice of the mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by Protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without believing that I am or can be acquitted, before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning."

How the oaths are to be taken by the members.

s. 6. Which said oaths and declaration shall be in the next, and every succeeding parliament to be held in *Ireland*, solemnly and publickly made and subscribed, betwixt the hours of nine in the morning and four in the afternoon, by every such peer, and member of the house of peers there, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there present, and their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting with their speaker in his chair; and that the same be done in either house in such like order or method as whereby each house is called over respectively; and during the making and subscribing thereof, and taking the said oaths, all business and debates in either house respectively shall cease; and the clerk of such house respectively, is hereby required to record the same in rolls prepared for that purpose, and every member of either house shall pay to such respective clerk for recording thereof, one shilling, and no more.

Clerk of each house must record the oaths.

Punishment upon members of parliament &c. for neglecting.

s. 7. And be it further enacted by the authority aforesaid, that if any person that now is, or hereafter shall be, a peer of *Ireland*, or member of the house of peers, or member of the house of commons there, or shall become a barrister at law, attorney, clerk, or officer in chancery, or any other court, and all and every deputy and deputies in any office

whatsoever, shall presume to offend, contrary to this act; that then every such peer and member, and such other person and persons so offending, shall be thenceforth disabled to hold or execute any office or place of profit, or trust, ecclesiastical, civil, or military, in any of their majesties realms of *Ireland* or *England*, or dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in any of their majesties islands or foreign plantations, to the said realms belonging; and shall be disabled from thenceforth to sit or vote in either house of parliament of the said realm of *Ireland*, or make a proxy in the house of peers there, or to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit, for every wilful offence against this act, the sum of five hundred pounds, to be recovered and received by him, her, or them that will sue for the same, by any action of debt, bill, plaint, or information, in any of their majesties' courts of record at *Dublin*, wherein no essoin, protection, or wager of law shall lie or be allowed, nor any more than one imparlance.

s. 8. And be it further enacted, that the oaths that are intended and required to be taken by this act, are the oaths in these express words hereafter following:

The new oaths.

"I, *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance, to their majesties king *William* and queen *Mary*."

So help me God," &c.

"I, *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the see of *Rome*, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm."

So help me God," &c.

Declaration appointed for *Quakers* in place of the oath, which exempts them from the penalties.

s. 15. Provided nevertheless, That whereas there are certain Dissenters in *Ireland*, commonly called *Quakers*, who scruple the taking any oath, it shall be sufficient for every such Dissenter, he or she producing a certificate under the hands and seals of six or more sufficient men of the congregation, to which he or she belongs, owning him or her for one of them, to make and subscribe the following declaration:

"I *A. B.* do sincerely promise and solemnly declare before God and the world, That I will be true and faithful to King *William* and Queen *Mary*; and I do solemnly profess and declare, that I do from my heart abhor, detest, and renounce, as impious and heretical, that damnable doctrine and position, *That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by*

their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state, or potentate, hath or ought to have, any power, jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or spiritual within this realm."

And every such Dissenter so subscribing shall be and is hereby exempted from the penalties mentioned in this act.

Taking declaration does not make them capable of office.

s. 16. Provided nevertheless, That no such person called *Quaker*, shall by such declaration and subscription be capable to take, have or hold, any office, employment, place, pay, salary, fee, grant, wages, or any other place of profit or trust, whereunto any person taking the said oaths, and making and subscribing the declaration in the courts aforesaid, shall or may be entitled; any thing herein contained to the contrary notwithstanding.

This act not to be dispensed with.

s. 17. Provided always, and be it enacted, That this act shall not be dispensed with by any warrant or letters patents under the great seal of *England* or *Ireland*; but that all such warrants and clauses of dispensation thereof in any such warrants or letters patents, are hereby declared to be null and void, and of no effect; any law, statute, or usage to the contrary notwithstanding.

No. 18.—13 Will. III. Eng. & Ir. c. 6.

An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors.

[s. 1, prescribes an oath of abjuration, the form of which was afterwards altered].

No peer or member of the house of commons shall vote or sit in either house, unless he take the oath, &c.

s. 10. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, in the year of our lord one thousand seven hundred and two, no person that now is, or hereafter shall be a peer of this realm, or member of the house of peers, shall vote or make his proxy in the house of peers, or sit there during any debate in the said house of peers; nor any person that now is, or hereafter shall be a member of the house of commons, shall vote in the house of commons, or sit there during any debate in the said house of commons, after their speaker is chosen, until such peer or member shall from time to time respectively take the oath aforesaid, and subscribe the same in manner following, (that is to say,) the said oath shall be in this and every succeeding parliament solemnly and publickly made and subscribed, between the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers, at the table in the middle of the said house, before he

take his place in the said house of peers, and whilst a full house of peers is there, with their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting, with their speaker in his chair.

Penalty on peer or member, &c.

s. 11. And be it further enacted, That if any person that now is, or hereafter shall be a peer of this realm, or member of the house of peers, or member of the house of commons, in this or any succeeding parliament, shall after the said five and twentieth day of *March* presume to vote, or make his proxy, not having taken the said oath, and subscribed the same as aforesaid, every such peer or member so offending shall from thenceforth be deemed and adjudged a Popish recusant convict, to all intents and purposes whatsoever, and shall forfeit and suffer as a Popish recusant convict, and shall be disabled to hold or execute any office or place of profit or trust, civil or military, in any of his Majesty's realms of *England* or *Ireland*, dominion of *Wales*, or Town of *Berwick-upon-Tweed*, or in any of his Majesty's Islands or foreign plantations to the said realms belonging, and shall be disabled from thenceforth to sit or vote in either house of parliament, or make a proxy, in the house of peers, or to sue or use any action, bill, plaint, or information, in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit for every wilful offence against this act the sum of five hundred pounds, to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt, suit, bill, plaint, or information, in any of his Majesty's courts at *Westminster*, wherein no essoin, protection, or wager of law shall lie.

No. 19.—1 ANN. ENG. & IR. STAT. 2. c. 17.

An Act for enlarging the Time for taking the Oath of Abjuration; and also for recapacitating and indemnifying such Persons as have not taken the same by the Time limited, and shall take the same by a Time to be appointed; and for the further Security of her Majesty's Person, and the succession of the Crown in the Protestant line; and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors.

13 *W.* 3. *c.* 6.

s. 1. "Whereas by an act made in the thirteenth year of the reign of his late Majesty King WILLIAM the Third, intituled, *An act for the further security of his Majesty's person, and the succession of the crown in the Protestant line; and for extinguishing the hopes of the pretended Prince of* Wales, *and all other pretenders, and their open and secret abettors*; and by

1 *Ann. stat.* 1. *c.* 22.

one other act made in the first year of the reign of her present Majesty, declaring the alterations of the oath in the said recited act contained, several of her said Majesty's subjects are obliged to take and subscribe the oath therein mentioned, by certain times limited and appointed in the said recited act, who have, through ignorance or mistake, or by the not duly holding the courts where the same ought to have been taken, or for some other such like reasons, omitted or neglected to take and subscribe the said oath, and are thereby subject and liable to the disabilities incapacities, and penalties in the said acts contained;" Be it therefore enacted, &c.

No peer of Ireland to sit in the house of peers;

s. 10. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *March* one thousand seven hundred and three, no person that now is, or shall be hereafter, a peer of the realm of *Ireland*, or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in the said house; nor any person after the said five and twentieth day of *March*, who shall be elected a member of the house of commons in that kingdom, shall be capable to vote in the said house, or sit there during any debate in the same, after their speaker is chosen; until such peer or member shall from time to time respectively take the said oath, and subscribe the same, at the same time, and in such manner as is directed for their making, subscribing, and repeating the declaration mentioned and expressed in the said act, intituled, *An act for abrogating the oath of Supremacy in* Ireland, *and appointing other oaths.*

nor member of the house of commons capable to vote, until they take the oath, &c. 3 *W.* & *M. c.* 2.

Penalty.

s. 11. And be it further enacted, That if any person that now is, or hereafter shall be, a peer of the said realm of *Ireland*, or member of the house of commons there, shall, after the said five and twentieth day of *March*, presume to vote or make his proxy, not having taken the said oath, and subscribed the same as aforesaid, every such peer and member shall from thenceforth incur, be subject, and liable unto the forfeitures, penalties, and disabilities in the said first mentioned act expressed, touching peers in parliament, and members in the house of commons in *England.*

No. 20.—1 Geo. I. G. B. & Ir. Stat. 2. c. 13.

An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret abettors.*

The same abjuration to be taken in *Ireland.*

s. 33. And be it further enacted by the authority aforesaid, That from and after the nine and twentieth day of

September one thousand seven hundred and fifteen, the same oath of abjuration by this act appointed to be taken in *Great Britain*, shall be the oath of abjuration to be taken in the kingdom of *Ireland*, and no other; and that the indemnities above-mentioned be and are hereby extended to the said kingdom of *Ireland*.

See farther 6 *Geo.* 3. c. 53.

No. 21.—6 GEO. III. G. B. & IR. c. 53.

An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the seventh year of her late Majesty Queen Anne, *intituled, an Act for the Improvement of the Union of the two Kingdoms, as, after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason, or Misprision of Treason.*

[s. 1. Recites the 1 *Geo. I. st.* 2. *c.* 13, and 5 *Geo. I. c.* 29, and enacts that the oath of abjuration, in the 1 *Geo. I.* mentioned, be administered in such manner and form as is hereinafter set down and prescribed, that is to say:]

Oath of abjuration required to be taken by the recited acts, to be administered in this form.

"I, A. B. do truly and sincerely acknowledge, profess, testify, and declare, in my conscience, before God and the world, that our sovereign lord King *George* is lawful and rightful king of this realm, and all other his majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe, in my conscience, that not any of the descendants of the person who pretended to be prince of *Wales* during the life of the late King *James* the Second, and since his decease, pretended to be, and took upon himself the stile and title of, King of *England*, by the name of *James* the Third, or of *Scotland*, by the name of *James* the Eighth, or the stile and title of King of *Great Britain*, hath any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure, any allegiance or obedience to any of them. And I do swear, That I will bear faith and true allegiance to his Majesty King *George*, and him will defend to the utmost of my power, against all traiterous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to his Majesty, and his successors, all treasons and traiterous conspiracies which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend, the succession of the crown, against the descendants of the said *James*, and against all other persons whatsoever, which succession, by an act, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands

limited to the Princess *Sophia*, Electoress and Dutchess Dowager of *Hanover*, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a Christian."

Oath of abjuration to be taken in *Ireland*, &c.

s. 2. And be it further enacted by the authority aforesaid, That from and after the first day of *August*, one thousand seven hundred and sixty-six, the same oath of abjuration by this act appointed to be taken in *Great Britain*, shall be the oath of abjuration to he taken in the kingdom of *Ireland*, and the rest of his Majesty's dominions, and no other; and that the benefit of the indemnities given by the said first mentioned act of the first year of the reign of his late Majesty King *George* the First, shall continue and be in force, as to the said kingdom of *Ireland*, in like manner as if this act had never been made; any thing herein contained to the contrary in any wise notwithstanding.

APPENDIX I.

PART II.

STATUTES OF THE PARLIAMENT OF IRELAND.

No. 22.—18 Edw. IV. Ir. c. 2. (*a*)

An Act concerning the choosing of Knights and Burgesses of Parliament. Rot. Parl. cap. 5.

A.D. 1478.

Acts formerly passed, that not one beneficed in the diocese should not be admitted proctor; nor knight, citizen, or burgess, not resident, and such knight to be able to spend 40*s.* yearly, declared void, from the difficulty of observing them. And all knights, &c. returned at the next prorogation or adjournment of this parliament, to be admitted lawful and effectual.

"Whereas in a parliament lately holden at *Dublin* as it is said, and in diverse other parliaments before that at *Dublin* and other places as it is said, it is ordained and established, That no manner of man should be admitted proctor into any parliament for any clergy, if he were not beneficed within the diocess there, nor knight for a county, if he were not dwelling within the said county, and might dispend forty-shillings within the said county yearly; citizen for city, if he were not a citizen dwelling within the same city, nor burgess for borough town, if he were not dwelling within the said town: and if the contrary were done, that the parliament, in which any such person were admitted, and were not inhabitant according to the acts and ordinances made in the said parliaments, shall be void and of no force nor effect in the law, as in the said acts and ordinances more fully appeareth. The premises considered, and how great a distance, and how great peril it is of the king's *Irish* enemies and *English* rebels, as well by sea as by land, and openly known how great mischiefs so oftentimes have been done in the ways, as well in the south part and the north as in the east and in the west part of the said land, by reason whereof they may not send proctors, knights, citizens, nor burgesses, according to the said acts or ordinances: wherefore if any such acts be, it is ordained and established by the authority of this present parliament, That the said acts or ordinances so made be void and of no effect in law. And that by the same authority all manner of lords spiritual and temporal, deans, chapiters, clergies, and sheriffs, seneschals and

(*a*) This parliament was held at *Naas*. The acts of the previous parliaments, relative to Elections, &c. have not yet been published by authority.

sheriffs of crosses, mayors, bayliffs and portreeves, which have not retorned their writs before time, that they shall retorn their said writs upon their peril at the next prorogation or adjournment of this parliament, and that all proctors, knights, citizens, and burgesses, so to be retorned, to be admitted able, lawful, and effectual, the said acts or ordinances notwithstanding."

No. 23.—10 Hen. VII. Ir. c. 6. (*a*)

An Act that no Citizen receive Livery or Wages of any Lord or Gentleman. Rot. Parl. cap. 12.

A.D. 1495.

s. 1. "Prayen the commons, forasmuch as the cities and great towns of the land of *Ireland*, and in especial the city of *Dublin*, have of late been abused, and inordinately have demeaned them for the most part, contrary to their natural faith and allegeance; not doing their duty to the king our sovereign lord, and such as his grace did commit his authority unto, but for the amitie and favour the which diverse of the said cities and townes did beare to diverse lords and gentlemen of the said land, and also were retained with the said lords, contrary to their owne laws and customes, whereas they should take part with no man, but onely the part of their soveraign lord and his lieutenant for the time being, and to see their said cities and townes surely kept under due order and obeysance, the which retainders, partaking and division, have been a great cause of all the trouble within the said land:

No citizen, burgess, or freeman, shall receive livery or wages, from or make promise or surety with, any lord or gentleman, on pain of deprivation of freedom and liberty, and expulsion out of the city.

s. 2. Wherefore the premisses considered, that it be ordeyned and enacted by authority of this present parliament, from this time forward, That whatsoever citizen, burgesse, or freeman enhabite within any of the said cities or townes, doe receive livery or wages, or make other promise or surety by indenture, or otherwise, with any lord or gentleman within the said land, that then he or they that shall so offend the premisses, and as often, to be deprived of his or their freedome and libertie; and over that to be expulsed out of the said citie for ever.

Mayors, &c. forfeit 20*l.* for neglect.

s. 3. And by the same authority it be ordeyned, That if the mayor, or head officers of the said cities or townes, for the time being, doe not execute this present ordinance, as often as it shall require, that then he forfeit to the king twenty pound."

(*a*) The first acts in the *English* language were passed in this parliament, which was held at *Drogheda*.

No. 24.—10 HEN. VII. c. 7.

An Act that none be admitted Alderman, Juror, or Freeman in no Town, but if he have been Prentice or Inhabitant of the same. Rot. Parl. cap. 13. A.D. 1495.

No city or great town shall admit any to be alderman, juror, or freeman, save apprentices and continual inhabitants, or call lords, &c. to their council, or elect any but good subjects to be their head officers, on pain of 100 marks.

s. 1. "PRAYEN the commons, that no citie ne great town within the land of *Ireland*, from this time forwards, receive or admit any person to be alderman, juror, or freeman, within any of the said cities or townes, but such persons as have been prentice, or been continually inhabite in the said cities or townes, ne also call no lord ne other person to their congregations or counsailes, but onely their recorder and learned counsail retayned with them, ne shall also elect any person to be mayor or head officer of any town or citie, but such as shall be well known to be the king's true men, bearing a sadde true mind to the common weale; and if any city or towne offend the premisses, or any part thereof, and that offence duly and lawfully proved and examined by the same authority, it be ordeyned, that the maior and commons of any such city or town, by whatsoever name they be incorporate by, to forfeit an hundred mark of money to the king, as often as they or any of them shall offend the premisses, or any part of them."

No. 25.—33 HEN. VIII. IR. SESS. 2, c. 1.(*a*)

An Act for the Adjournment of the Parliament, and the Place to hold the same, and what Persons shall be chosen Knights and Burgesses. Rot. Parl. cap. 2. A.D. 1542.

Acts concerning only the restraint of summoning the parliament any where but in *Dublin* or *Drogheda*, and the proroguing, &c. parliament above two times, and chusing knights, &c. shall from the time of making be void.

s. 1. "FORASMUCH as in sundry parliaments holden in this realm it was enacted and established, that amongst other things it was enacted and established by authority of parliament, That no parliament should be summoned, appointed, holden, adjourned, or prorogued in any citie, towne, or place within this realm, but in *Dublin* or in *Drogheda*, ne that no parliament should be prorogued or adjourned over and above two times after the beginning of the said parliament, neyther that no knight, citizen, ne burgesse, should be chosen in parliament, but such as did dwell within the counties, cities, or townes where they be chosen. And that every such knight should spend fortie shillings in fee simple, fee tayle, or freehold, within the same shire where he is chosen, (except the town of *Drogheda*) and every proctor to be within the same diocesse, and if it be any otherwise in any parte done, that all acts and estatutes made in that parliament shall be voyde and of none

(*a*) This parliament was held at *Limerick*.

effect, which actes considering the distance of borough townes and obedient shires from *Dublin* and *Drogheda*, where most commonly the parliaments be holden, and the dangerous and perilous passage by the way, by the occasion of the king's rebels, and that the tenor ne purport of the said acts were not plainly ne openly known to the king's subjects of this realm, so as at divers parliaments since the statutes holden and kept, the tenor of them might not be accomplished, in which parliament diverse acts, both for the king's honour and profite, and wealth of this realm, was ordeyned, established, which should be greatly to the king's losse, and to the damage of the common wealth of this realm, if by the said acts any part of the said acts should be avoyded. Wherefore be it enacted, ordeyned and established by authoritie of this present parliament, That all and every of the said acts concerning onely the restraint of the summoning of the parliament in any other citie, towne or place, but in *Dublin* or *Drogheda*, and the proroging and adjourning of parliament, over and above two times after the beginning of any parliament, and the choosing of the knights, citizens, and burgesses, to be in parliament, and every proctor to be within the same diocesse, in manner as is aforesaid, shall be from the time or times of the making of the same acts, and any of them, voyde, frustrate, and of none effect in law, to all intents, constructions and purposes, the same former acts, or any thing in them, or any of them contained, to the contrary notwithstanding.

Henceforth the knights, &c. shall be resiant in the counties, &c. elected by the greater number of inhabitants present, by virtue of the king's writs.

s. 2, Provided, and be it enacted by the authoritie of this present parliament, That from henceforth everie knight, citizen and burgesse, for every parliament hereafter within this realm of *Ireland* to be summoned, appointed or holden, shall be resiant and dwelling within the counties, cities, and townes, chosen and elected by the greater number of the inhabitants of the said counties, cities and townes being present at the said election, by vertue of the king's writs for that intent addressed. And also the said knights to be elected and chosen in maner and forme before rehearsed. And every electour of the said knights to dispend and have lands and tenements of estate of freehold within the said counties, at the least to the yearly value of fortie shillings over and above all charges, and every of the inhabitants aforesaid, choosing or electing in any other maner then as before is mentioned, to forfeit an hundred shillings, the moytie thereof to our soveraign lord the king, his heyres and successours, and the other moytie to any that will sue for the same by action of debt, bill, information, or otherwise, in any court of record, wherein no essoign, protection, or wager of law to be admitted or allowed. And every sheriffe or other officer retourning any knight, citizen or burgesse chosen or elected in any other manner then as is before expressed, to forfeit an hundred pounds, to be had and recovered

Electors of the knights to dispend and have estates of freehold in the counties, of 40*s.* yearly, above all charges. (*a*)

Every inhabitant electing otherwise, to forfeit 5*l.* and the returning officers 100*l.*

Persons elected otherwise, taking upon them to be knights, &c. to forfeit 100*l.*

(*a*) See the 10 *Geo. IV. c.* 8, *s.* 1, and the reform act, 2, 3 *Will. IV. c.* 88. *ss.* 6, 8.

as before is specified. And every knight, citizen and burgesse taking upon him or them to bee knight, citizen, or burges, and not chosen nor elected in manner and forme as is before mentioned, to forfeit an hundred poundes, to bee forfeyted, recovered, and taken in manner and fourme before rehearsed."

No. 26.—14, 15 CAR. II. IR. c. 2.

An Act for the better Execution of his Majesty's Declaration for the SETTLEMENT *of his Kingdom of* Ireland, *and satisfaction of the several interests of Adventurers, Souldiers and other his Subjects there.* A.D. 1662.

The governor and council during seven years may make rules for better planting with Protestants the lands not restored.

s. 184. "AND for the better prevention of all future rebellions, and to the end of our good subjects of *Ireland* may be likewise secured against all insurrections or attempts for the time to come, and the said kingdom be the better planted and improved; be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the lord lieutenant, or other chief governour and governours and council of *Ireland* for the time being, from time to time, and at all times hereafter during the space of seven years, to be accompted from the first of *May*, one thousand six hundred sixty-two, to make and establish such rules, orders, and directions for the better planting with protestants the lands by this act vested in his majesty, and not appointed to be restored to innocent persons.

17 & 18 *c.* 2. *c.* 2. *s.* 82.

And also for regulating corporations, &c.

with penalties for breach.

but not further than treble the value of quit-rents of the lands planted otherwise

s. 185. And for the better regulation of cities, walled towns, and corporations, and the electing of magistrates and officers there, and to inflict such penalties for the breach thereof as they in their wisdom shall think fit, so as the penalties for breach of the rules of plantation do not extend further than to treble the quit-rents due for the lands, which shall be planted otherwise than those rules shall direct; the said penalties to continue and be yearly paid to the king, his heirs and successors, till the said rules of plantation be performed, and thenceforth the rent by this act reserved to be onely payable; and so as the penalties for breach of the rules to be made touching corporacions doe not extend further than to the removal and disfranchisement of such person as shall be found guilty of the breach thereof; which rules, orders and directions so as aforesaid to be made, shall be as good and effectual in law to all intents and purposes, as if the same had been established by authority of this present parliament, and shall remain, continue and abide in force for such and so long time as in the said rules, orders, and directions shall be limited and appointed."

and as to the corporations, the removal and disfranchisement of those guilty of breach.

No. 27.—14, 15 Car. II. Ir. c. 13.

An Act for encouraging Protestant-Strangers and others, to inhabit and plant in the Kingdom of Ireland.

A.D. 1662.

Revived, and continued seven years by 4 *W.* and *M.* 2, and further by 2 *Anne.* 14, and made perpetual by 4 *G.* 1, 9, except exemption from excise.

Trade and commerce decayed by intestine troubles.

Materials, the growth of the kingdom, transported to be manufactured abroad.

Mischiefs thereof.

Strangers might be induced to transport themselves into this kingdom, if made partakers of the privileges, and having free exercise of their trades.

Alien Protestants, merchants, traders, artisans, &c. who in seven years transport their stocks and families to reside in this kingdom, and take the oaths of allegiance and supre-

s. 1. "Forasmuch as the late intestine troubles and cruel wars have much despoiled and wasted this your Majesties kingdom of *Ireland*, whereby the trade and commerce thereof is much decayed and lessened, for want as well of merchants, traders, and dealers of ability to exercise a traffick, as of skilful artificers, artizens, and workmen for the making all sorts of manufactures there. And whereas for this cause many of the materials and commodities of the growth of this kingdom, as wooll, flax, hemp, woolen and linen yarn, and sundry others the like, are usually transported and carried into foreign parts, there to be wrought and manufactured into sundry commodities, whereby the people of this your Majesties kingdom, are deprived of the benefit which might arise by working those materials themselves, and for want of employment are necessitated to live idly and poorly, and so apt to run into thefts, robberies, rebellions, and all other sorts of mischiefs; and if any of the materials and commodities aforesaid do happen to be wrought in this kingdom, either through unskilfulness, or other indirect practice of the workmen, they are usually so wrought, as they are most commonly unfit for wearing at home, or merchandizing abroad, and therefore much coyn and ready money is carried out and transported for buying and purchasing of foreign manufactures, to the great exhausting and diminishing the treasure of this kingdom. And whereas many strangers and others, from the consideration of your Majesties most princely wisdom, clemency and goodness, and of the plentifulness of all sorts of useful and profitable commodities with which this your Majesties kingdom abounds in a very great measure, might be induced and inclined to transport themselves and families to the filling and replenishing of this kingdom, as well with people as trade, if such strangers might be made partakers of the advantages, liberties and priviledges which this kingdom hath formerly and doth still enjoy, under the most gracious and benign government of your majesty, and your most royal predecessors, and have the free exercise of their trades, mysteries, crafts and sciences of buying, selling, working and manufacturing the said materials without interruption and disturbance. May it therefore please your most excellent majesty that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and the commons in this present parliament assembled, and by the authority thereof, That all and every person and persons born out of your majesties dominions, of the Protestant religion, and all merchants, traders, and dealers

in any goods, wares, or merchandises, artizans, artificers or others working or manufacturing any goods or commodities, or any mariners or seamen who are at present inhabiting within any part of this kingdom, and all others who shall at any time hereafter within the term of seven years from the end of this present parliament, transport his or their stocks and families into any part of this kingdom, with intention that themselves and children after them will inhabit, reside and abide in some part thereof, shall after his or their arrival with his or their stock, substance and family or families within this kingdom, and after his or their taking the oaths of allegiance and supremacy to and of our soveraign lord the king, before the lord chancellor, or the lords presidents or vice-presidents of the province of *Munster* or *Connaught* respectively for the time being, or any judge in his circuit, who are hereby authorized to administer the said oaths unto any such person or persons aforesaid, and thereupon to certifie his or their doing thereof into his majesties high court of chancery, there to remain on record, deemed, adjudged and reputed your majesties liege, free and natural subject or subjects of this your majesties kingdom, and be adjudged reputed and taken in every respect, condition and degree, to all intents, constructions and purposes your majesties natural and liege subjects of this kingdom, as if they and every of them had been or were born within this kingdom of *Ireland*, and that they and every of them, their wives and children, in all things and by all lawful ways and means whatsoever, shall and may use, have and enjoy the full grace and benefit of all and every the laws, preheminences, jurisdictions and customs of this kingdom, to all intents, constructions and purposes in the law, or otherwise whatsoever, in the same manner and form as any natural born subject hath, may or can have, use and enjoy; and that they and every of them shall answer, and shall be answered unto, and shall and may implead or be impleaded in whatsoever court or courts of justice or otherwhere within this your majesties kingdom, as the natural born, free, liege subjects of this kingdom of *Ireland;* and that they and every of them by force of this present act shall have full licence, freedom, liberty, power and authority as well to have, occupy, possess and enjoy, retain and keep, as to ask, demand, challenge and have, and also to acquire, buy and purchase, or receive by gift or otherwise by any lawful wayes or means, to the use of them, and of all and every or any of them, their heires, executors, administrators and assigns of all and every or of any of them for ever, all, any and whatsoever mannors, messuages, lands, tenements, rents, services, offices, hereditaments, and other possessions, goods real or personal whatsoever, as well by any of their ancestors and predecessors acquired and purchased, or to them or any of them made, granted, enfeoffed, conveyed or assured, or which at any time hereafter shall and may be made, granted, enfeoffed, given, conveyed or assured, or

macy, shall be adjudged to all intents free and natural subjects, 4 W. *and* M. 2. *other oaths appointed*, *and* 4 G. 1. 9.

impleaded and be impleaded in courts of justice.

Purchase and enjoy lands and goods.

shall come as heir or heires to their or any of their ancestors, lineally or collaterally by reason of any descent, remainder, reversion, right or any other title, gift or conveyance whatsoever, or which after the first day of this present parliament, shall descend, remain, revert, accrew, come, or grow unto your said subjects, or any of them, and in the same to inherit, succeed and come by right of inheritance, or otherwise howsoever, without the let and impediment of your most excellent majesty, your heirs and successors; any law, custom, statute, act, provision, ordinance, restraint or inhibition to the contrary before this time made, enacted, ordained and provided, or any other matter, cause or thing whatsoever, notwithstanding; and also to prosecute, pursue, maintain, avow, justifie and defend all and all manner of actions, suits and causes, and all other lawful things whatsoever to doe as lawfully, frankly, fully, liberally, surely and freely, as if your said subjects had been and were born within this kingdom of *Ireland*, and as any other person or persons naturally born within this kingdom of *Ireland*, may lawfully or in any wise do; any act, law, statute, custom, ordinance, or other thing whatsoever, had, made, done, promulged or provided to the contrary hereof in any wise notwithstanding.

by inheritance or otherwise.

and prosecute or defend all suits.

Protestants, aliens or subjects who are traders, artisans, &c. residing in the kingdom, or coming into any corporation, &c. to dwell, shall on tender of 20*s.* fine to the magistrate, &c. be admitted free.

s. 2. And be it further enacted by the authority aforesaid, That every person and persons, as well strangers and aliens, as his majesties subjects of the Protestant religion, who is, are, or shall be traders, artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft or trade, or in the working or making any manufacture or art of navigation, who are at present residing and inhabiting within this kingdom, or who shall at any time hereafter come into any city, burrough, priviledged and incorporated town or place of this kingdom, with intent, purpose and resolution, there to inhabit, reside and dwell, shall upon his or their reasonable suit or request made, and upon payment down or tender of twenty shillings by way of fine unto the chief magistrate or magistrates and common council, or other persons authorised to admit and make freemen of such city, town or corporation where he or they do intend to inhabit, reside or dwell, be admitted a freeman of any such city, burrough or priviledged or incorporated town or place within this kingdom, and if he or they shall desire it, of all or any guild, brotherhood, society or fellowship of any trade, craft or other mystery within all or any of the same, and during his or their residence for the most part, and his and their families constant inhabiting within this kingdom, and no longer, to have, exercise and enjoy all priviledges and immunities of trading, buying, working and selling in as large and ample manner as any freeman of any such city, burrough, priviledged and incorporated town or other place might have, exercise or enjoy by virtue of his or their freedom; and that every such person or persons whatsoever, who shall be admitted to be free as afore-

vid. *New Rules.* 25 *Car.* 2.

and of any guild or society,

and during their residence for the most part, and their families constant inhabi-

said, shall from thenceforth be deemed, esteemed, taken and be denizen and denizens within this kingdom; any former law, statute, charter, usage or custom of this kingdom, or of any city, burrough, priviledged or incorporated town, or other place of the same to the contrary in any wise notwithstanding. ting, enjoy privileges thereof, and esteemed denizens; any law, charter or usage notwithstanding.

s. 3. Provided always, and be it eneacted by the authority aforesaid, that all strangers, artificers and others, to be admitted freemen as aforesaid, before he or they be admitted to be freemen as aforesaid, shall take the oaths of supremacy and allegiance to our sovereign lord the king, his heirs and successors; and also such other oaths as is accustomably taken by all or any freemen or member of any city, burrough, priviledged or incorporated town or other place in this kingdom, or all or any the members of any guild or brotherhood, society or fellowship of the trade, craft or other mystery which he or they shall occupy or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society or fellowship aforesaid, and shall pay, bear and sustain all such offices and like charges as all freemen his majesties subjects of all like trade, craft or mystery shall or do always use to bear and pay, and no other or more. First taking oaths of allegiance and supremacy, and the usual oaths of freemen, &c. and bear like offices and charges as freemen.

s. 4. And be it further enacted by the authority aforesaid, that if any chief magistrate, magistrates, or other persons authorized as aforesaid, of any city, town or corporation, or any master, warden, or other governour of any brotherhood, society or fellowship, or any trade, craft or mystery within any such city, town or corporation, shall refuse to admit any trader, artificer, artizan, workman, or seaman, being or coming into this kingdom with intent as aforesaid, to be a freeman of the city, town or corporation where he or they intend to inhabit, reside or dwell, or to be a brother or member of any brotherhood, societie or fellowship within the same, every such chief magistrate or magistrates, master, warden or other governours respectively, shall forfeit for such his denial the sum of one hundred pounds; and every trader, artificer, artizan, workman or seamen so denied to be admitted a freeman of any citie, town or corporation, or to be a member or brother of any brotherhood, societie or fellowship within the same, upon tender by him or them made of twenty shillings by way of fine as aforesaid, and taking the oaths of supremacie and allegiance as aforesaid, before any justice of peace of the county next adjacent to such citie, town or corporation, or wherein such citie, town or corporation is situated, who is hereby authorised and appointed to administer such oaths, shall thereupon by virtue of this present act be deemed, reputed and taken to all intents and purposes to be a freeman or member of the said citie, town, corporation, brotherhood, society or fellowship of any trade, craft or mystery where he or they shall inhabit, reside or dwell, and be denied admission as aforesaid, and thenceforth have, exercise and enjoy the liberty and priviledge of trading, working, buying or selling Forfeiture upon denial to admit them 100*l*. Persons denied shall on tender of 20*s*. and taking said oaths before a neighbouring justice, be reputed freemen and enjoy the privileges as if admitted.

of any commodities whatsoever, in as large and ample manner as if he had been admitted a freeman of such citie, town or corporation, a brother or member of such brotherhood, society or fellowship of any trade, craft or mystery within the same, taking the usual oaths of such brothers or members, which oath any one justice of peace near adjoining, shall have power to administer, and bearing and sustaining all such offices and charges aforesaid; any law, charter, custom or usage to the contrary in any wise notwitstanding.

Persons disturbing them in trade forfeit 20*l.*

s. 5. And if in case any person or persons shall give any interruption or disturbance to any trader, artificer, artizan, workman or seaman aforesaid, to the hindering him in his working, buying or selling as aforesaid, contrary to the intent and meaning of this present act, every such person or persons shall for every such offence forfeit the sum of twenty pounds.

Such alien not to retain above six apprentices, &c. besides sons or daughters, all Protestants.

s. 6. And be it further enacted by the authority aforesaid, that no stranger born out of the king's obeysance, using any manner of trade, craft, manufactory, mystery, or occupation, and inhabiting within any of the cities, burroughs, towns and suburbs, and liberties thereof, or other places as aforesaid, shall at any one time use, take, retain and keep into his or their services, any apprentices or any manner of journeymen or covenant servants above the number of six, besides his or their sons or daughters, who are all to be protestants, or else the protestant subjects of our sovereign lord the king, and born under his obeysance, upon pain to lose his or their freedom; and to forfeit for every such apprentice, journeyman or other servant that he or they shall take or entertain above that number contrary to this act, the sum of ten pounds, the one half thereof shall be to our sovereign lord the king, and his heirs, and so of all other forfeitures mentioned in this present act, and the other half to him and them that shall sue for it or them in any of the king's courts of records, or before any judge or judges of assize in his or their respective circuits, by bill, plaint, action of debt or information, wherein no wager of law, essoyn or protection shall be allowed.

on pain of losing freedom,

and 10*l.* for every apprentice more; half of all forfeitures to the king. half to prosecutor.

Aliens so naturalized, &c. shall for seven years after be exempt from excise for household expenses or provisions. *But see* 4 *Geo. I.*

s. 7. And be it further enacted by the authority aforesaid, that all strangers of the protestant religion transporting themselves and families, and being naturalized as aforesaid, shall for the space of seven years from and after such transporting of themselves and families, and taking the oaths of supremacy and allegiance, as aforesaid, be freed and exempted from payment of excise for any of their private household expenses or provisions; any statute, law, usage or customs to the contrary in any wise notwithstanding."

No. 28.—17, 18 CAR. II. IR. c. 2.

An Act for the explaining of some Doubts arising upon an Act intituled, "An Act for the better Execution of His Majestie's gracious Declaration for the Settlement of his Kingdom of Ireland, *and Satisfaction of the several Interests of Adventurers, Soldiers, and other his Subjects there, and for making some Alterations of and Additions unto the said Act, for the more speedy and effectual settlement of the said Kingdom.* A.D. 1665.

Recital of a clause in former act by which chief governor and council during seven years may make rules for better planting with Protestants, lands not restored to innocents,

and for regulation of corporations, and inflict penalties for breach of such rules: so as not more than treble the quit-rents of the lands,

nor further than disfranchisement of offenders.

Doubt thereupon.

s. 82. "AND whereas there is one clause contained in the said former act in these words following, 'And for the better prevention of all future rebellions, and to the end our good subjects of *Ireland* may be likewise secured against all insurrections or attempts for the time to come, and the said kingdom be the better planted and improved, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord lieutenant, or other chief governour or governours and council of *Ireland* for the time being, from time to time and at all times hereafter, during the space of seven years to be accompted from the first day of May one thousand six hundred sixty and five, to make and establish such rules, orders and directions for the better planting with Protestants the lands by this act vested in his majestie, and not appointed to be restored to innocent persons; and for the better regulation of cities, walled towns and corporations, and the electing of magistrates and officers there, and to inflict such penalties for the breach thereof, as they in their wisdom shall think fit, so as the penalties for breach of the rules of plantation do not extend further than to treble the quit-rents due for the lands which shall be planted otherwise than those rules shall direct; the said penalties to continue, and be yearly paid to the king, his heirs and successors, till the said rules of plantation be performed, and thenceforth the rent by this act reserved to be onely payable; and so as the penalty for breach of the rules to be made touching corporations do not extend further than to the removall or disfranchisement of such persons as shall be found guilty of the breach thereof; which rules, orders and directions, so as aforesaid to be made, shall be as good and effectual in law, to all intents and purposes, as if the same had been established by authority of this present parliament, and shall remain, continue and abide in force, for such and so long time as in and by the said rules, orders and directions shall be limited and appointed:" And whereas some doubt doth arise whether the lord lieutenant, chief governour or governours and council of *Ireland* for the time being, may make and establish rules, orders and directions for the better regulating of such cities, walled towns and corporations as have been anciently incorporated, or onely for the better regulating such cor-

Such rules to extend to all corporations, new and old.

porations as shall or may hereafter be created according to the tenor and support of his majesties gracious declaration for the settlement of his kingdom of *Ireland*, and satisfaction of the severall interests of adventurers, souldiers, and other his majesties subjects there; for the cleering whereof, be it further enacted, and it is hereby declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporall and the commons in this present parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the lord lieutenant, or other chief governour or governours and council of *Ireland* for the time being, from time to time and at all times to come, during the space of seven years, to be accompted from the twenty ninth day of *September* one thousand six hundred sixty five, to make and establish such rules, orders, and directions for the better regulating of all cities, walled towns and corporations both new and old, and such as shall be created within this kingdom, and the electing of magistrates and officers there, and to inflict such penalties for the breach thereof, as they in their wisdom shall think fit; so as the penalties for breach of the rules, orders and directions to be made touching such corporations, do not extend further than to the removall and disfranchisement of such persons as shall be found guilty of the breach thereof; and such rules, orders and directions, so to be made as aforesaid, shall be as good and effectual in law to all intents and purposes as if the same had been specially and particularly established by authority of this present parliament, and shall remain, continue and abide in force for such and so long time as in the said rules, orders and directions shall be limited and appointed; any thing in the said act or otherwise to the contrary thereof in any wise notwithstanding."

4 *G.* 1, 3.

And as effectual as if by this act specially established.

THE NEW RULES.

No. 29.—25 CAR. II. (a)

BY THE LORD LIEUTENANT AND COUNCIL,

Rules, Orders, and Directions, made and established by us the Lord Lieutenant and Council, for the better regulating the Corporation of the City of Dublin, *and the electing of Magistrates and Officers there.*

A.D. 1672.

ESSEX.

Recital of 17 and 18 *C.* 2. 2.

"WHEREAS, in and by one act of parliament, lately made in this kingdom, intitutled, *an act for the explaining of some doubts arising upon an act*, intituled, *an act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of* Ireland, *and satisfaction of the several interests of adventurers, souldiers, and other his subjects there*; *and for making some alterations of, and additions unto the said act, for the more speedy and effectual settlement of the said kingdom*; it is amongst other things therein contained, enacted, 'That it shall and may be lawful to and for the lord lieutenant, or other chief governour or governours and council of *Ireland*, for the time being, from time to time, and at all times to come, during the space of seven years, to be accompted from the nine and twentieth day of *September* one thousand six hundred sixty-five, to make and establish such rules, orders, and directions, for the better regulating of all cities, walled towns and corporations, both new and old, and such as shall be created within this kingdom, and the electing of magistrates and officers there, and to inflict such penalties for the breach thereof, as they in their wisdoms shall think fit; so as the penalties for the breach of the rules, orders and directions to be made, touching such corporations, do not extend farther than to the removal and disfranchisement of such persons, as shall be found guilty of the breach thereof: and such rules, orders and directions, so to be made as aforesaid, shall be as good and effectual in law, to all intents and purposes, as if the same had been specially and particularly established by authority of this present parliament, and shall remain, continue, and abide in force, for such and so long

(a) See the 36 *Geo. III. Ir. c.* 23, for amending these rules as to corporate elections; and see also the 19 *Geo. II. Ir. c.* 12; 33 *Geo. III. c.* 38; and 7 *Geo. IV. c.* 21, as to *mandamus*, &c. and the clauses of the 2 *Geo. I. Ir. c.* 19, 21 *Geo. II. Ir. c.* 10; 21, 22 *Geo. III. Ir. c.* 21, not repealed by the 35 *Geo. III. Ir. c.* 29, *s.* 1, as to elections to corporate offices.

time as in the said rules, orders, and directions shall be limitted and appointed; any thing in the said act, or otherwise to the contrary thereof in any wise, notwithstanding:

Rules for corporation of *Dublin*.

We the lord lieutenant and council, in pursuance of the said act, and the authority thereby given unto us, have thought fit to make and establish, and we do hereby make and establish the rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the city of *Dublin*, and the electing of magistrates and officers there.

Fifth.

Foreigners, merchants, artificers, &c. paying 20*s.* fine, admitted free, during residence.

Fifthly,(*a*) That all foreigners, strangers, and aliens, as well others as Protestants, who are or shall be merchants, traders, artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at present residing and inhabiting within the said city of *Dublin*, or who shall at any time hereafter come into the said city, with intent and resolution there to inhabit, reside and dwell, shall upon his or their reasonable suit or request made, and upon payment down or tender of twenty shillings by way of fine, unto the lord mayor and common-council, or other persons authorized to admit and make freemen in the said city, be admitted a freeman of the said city, and, if he or they shall desire it, of all or any guild, brotherhood, society, or fellowship of any trade, craft or other mystery within the same, during his or their residence for the most part, and his and their families constant inhabiting within this kingdom, and no longer; and shall have, exercise, and enjoy all privileges and immunities of trading, working, buying, and selling, in as large and ample manner as any freeman of the said city might have, exercise, or enjoy, by virtue of his or their freedom; and that every such person or persons, who shall be admitted to be free as aforesaid, shall from thenceforth be deemed, esteemed, and taken, and be denizen and denizens within this kingdom: any law, statute, charter, usage or custom of this kingdom, or of the said city, to the contrary in any wise notwithstanding.

And deemed denizens.

Taking the oaths,

Provided always, That all such strangers, artificers and others, to be admitted freemen as aforesaid, shall take the oath of allegiance to our sovereign lord the king, his heirs and successors, and also such other oaths as are accustomably taken by all or any freemen, or members of the said city, or by all or any the members of any such guild, or brotherhood, society, or fellowship of the trade, craft, or other mystery, which he or they shall occupy, or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society, or fellowship aforesaid, and shall pay all such and like charges, as all freemen his majesty's subjects of the

and paying the charges.

(*a*) The 1st, 2d, 3d, and 4th rules relate to the election of the corporate officers, the common council, &c., as to which see the 33 *Geo. II. Ir.* c. 16, which varies most of the provisions of the new rules affecting the election to offices in this corporation.

like trade, craft, or mystery, shall or do use to pay, and no other, or more: and that if the lord mayor and common council, or other persons authorised as aforesaid within the said city, or any master, warden, or other governour of any brotherhood, society, or fellowship, or any trade, craft, or mystery within the said city, shall refuse to admit any such stranger, being a merchant, trader, artificer, artizan, workman or seaman, residing or coming into this kingdom with intent as aforesaid, to be a freeman of the said city, or to be a brother or member of any brotherhood, society, or fellowship within the same; all such persons so refusing to admit such strangers as aforesaid shall upon complaint, and due proof made of such refusal, before the lord lieutenant, or other chief governour or governours, and council of this kingdom, be by their order disfranchised, and from thenceforth incapable (without their licence) of being a freeman or member of the said city; and every such stranger being a merchant, trader, artificer, artizan, workman, or seaman, upon tender by him made of twenty shillings, by way of fine as aforesaid, and taking the oath of allegiance before any justice of peace of the county of *Dublin*, (who is hereby authorised and appointed to administer the said oath) shall thereupon, by virtue hereof, be deemed, reputed, and taken, to all intents and purposes, to be a freeman or member of the said city, and of the brotherhood, society, or fellowship of any trade, craft, or mystery, where he or they shall be denied admission as aforesaid; and from thenceforth have, exercise, and enjoy the liberty and privilege of trading, working, buying or selling of any commodities whatsoever, in as large and ample manner, as if he had been admitted a freeman of the said city, a brother or member of such brotherhood, society or fellowship of any trade, craft, or mystery within the same, taking the usual oaths of such freemen, brothers, or members; which oaths any one justice of peace of the said county of *Dublin* shall have power to administer, and paying all such charges as aforesaid; any law, custom, charter or usage to the contrary in any wise notwithstanding. And in case any person or persons shall give any interruption or disturbance to any such stranger, being a merchant, trader, artificer, artizan, workman or seaman as aforesaid, to the hindering him in his trading, working, buying or selling aforesaid, contrary to the intent and meaning hereof; all and every such person and persons so offending shall upon like complaint and proof made of his or their offence therein, before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchised, and from thenceforth incapable, without their licence, of being a freeman or member of the said city.

Persons refusing to admit them disfranchised,

and they deemed free.

Persons interrupting them disfranchised.

And these our rules, orders and directions, we do hereby order and establish for ever hereafter to continue in force within the said city of *Dublin*, and within the corporations thereof;

These rules perpetual,

and inrolled in chancery.

And that the same be forthwith inrolled in the rolls of his majesty's high-court of chancery in this kingdom.

Given at the council-chamber in *Dublin*, the four and twentieth day of *September*, 1672.

Ja. Armacanus, Mich. Dublin, Canc. Conway & Kilulta, Massareene, Hen. Midensis, Fran. Aungier, Art. Forbese, Jo. Bysse, Will. Steward, Fra. Hamilton, H. Ingoldesby, Theo. Jones. A. Chichester, Char. Meredyth. God save the king."

BY THE LORD LIEUTENANT AND COUNCIL.

Rules, Orders and Directions, made and established by us, the Lord Lieutenant and Council, for the better regulating the Corporation of the Town of Drogheda, *and the electing of Magistrates and Officers there.*

ESSEX.

17 and 18 C. 2. 2. Rules pursuant thereto for *Drogheda.*

"WHEREAS, &c. [the 17, 18 Car. II. is recited as *ante p.* 39.] We the lord lieutenant and council, in pursuance of the said act, and the authority thereby given unto us, have thought fit to make and establish, and we do hereby make and establish the additional rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the town of *Drogheda*, and the electing of magistrates and officers there.

Second rule.

Foreigners, traders or artificers, &c. on tender of 20*s.* fine, admitted free, during residence, &c.

2dly.(*a*) That all foreigners, strangers, and aliens, as well others as protestants, who are or shall be merchants, traders, artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at present residing and inhabiting within the said town of *Drogheda*, or who shall at any time hereafter come into the said town, with intent and resolution there to inhabit, reside, and dwell, shall upon his or their reasonable suit or request made, and upon payment down, or tender of twenty shillings, by way of fine, unto the chief magistrate or magistrates and common-council, or other persons authorized to admit and make freemen in the said town, be admitted a freeman of the said town; and, if he or they shall desire it, of all or any guild, brotherhood, society or fellowship of any trade, craft, or other mystery within the same, during his or their residence for the most part, and his and their families constant inhabiting within the said town, and no longer; and shall have, exercise, and enjoy all privileges and immunities of trading, buying, working and selling, in as large and ample manner as any freeman of the said town might have, exercise, or enjoy, by

(*a*) The first rule relates to the elections of corporate officers.

virtue of his or their freedom: and that every such person or persons, who shall be admitted to be free as aforesaid, shall from thenceforth be deemed, esteemed and taken, and be denizen and denizens within this kingdom; any law, statute, charter, usage or custom of this kingdom, or of any city, walled town, or corporation of the same, to the contrary in any wise notwithstanding. deemed denizens.

Provided always, That all such strangers artificers and others, to be admitted freemen as aforesaid, shall take the oath of allegiance to our sovereign lord the king, his heirs and successors, and also such other oaths as are accustomably taken by all or any freeman, or members of the said town, or by all or any the members of any such guild, or brotherhood, society, or fellowship of the trade, craft, or other mystery, which he or they shall occupy, or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society, or fellowship aforesaid; and shall pay all such and like charges, as all freemen his majesty's subjects of the like trade, craft, or mystery, shall or do use to pay, and no other or more: and that if the chief magistrate or magistrates, or other persons authorized as aforesaid, of the said town, or any master, warden, or other governour of any brotherhood, society, or fellowship, or any trade, craft, or mystery within the said town, shall refuse to admit any such stranger, being a merchant, trader, artificer, artizan, workman or seaman, residing, or coming into this kingdom, with intent as aforesaid, to be a freeman of the said town, or to be a brother or member of any brotherhood, society, or fellowship within the same, every such chief magistrate or magistrates, master, warden, or other governours respectively, shall (upon complaint and due proof made of such refusal before the lord lieutenant or other chief governour or governours, and council of this kingdom (be by their order disfranchised, and from thenceforth incapable (without their licence) of being a freeman or member of the said town: and every such stranger being a merchant, trader, artificer, artizan, workman or seaman, upon tender by him made of twenty shillings, by way of a fine as aforesaid, and taking the oath of allegiance before any justice of peace of the county of *Lowth*, (who is hereby required, authorized and appointed to administer the said oath) shall thereupon, by virtue hereof, be deemed, reputed and taken, to all intents and purposes, to be a freeman or member of the said town, and of the brotherhood, society, or fellowship of any trade, craft or mystery, where he or they shall be denied admission as aforesaid; and thenceforth have, exercise, and enjoy the liberty and priviledge of trading, working, buying or selling of any commodities whatsoever, in as large and ample manner, as if he had been admitted a freeman of the said town, a brother or member of such brotherhood, society, or fellowship of any trade, craft, or mystery within the same, taking the usual oaths of such freemen, brothers, or members; which oaths any justice of peace of the said county of *Lowth* shall have

Taking the oaths,

and paying charges.

Persons refusing admittance disfranchised.

and the stranger, deemed free, &c.

power to administer; and paying all such charges as aforesaid; any law, custom, charter or usage, to the contrary notwithstanding: and in case any person or persons shall give any interruption or disturbance to any such stranger, being a merchant, trader, artificer, artizan, workman or seaman, as aforesaid, to the hindering him in his trading, working, buying or selling as aforesaid, contrary to the intent and meaning hereof, all and every such person and persons so offending shall, upon like complaint and proof made of his or their offence therein before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchised, and from thenceforth incapable, without their licence, of being made a freeman or member of the said town.

Persons disturbing them disfranchised.

These rules to continue for ever,

and inrolled in chancery.

And these our additional rules, orders and directions, we do hereby order and establish for ever hereafter to continue in force within the said town of *Drogheda*, and within the corporations thereof. And that the same be forthwith inrolled in the rolls of his majesty's high court of chancery in this kingdom.

Given at the council chamber in *Dublin*, the five and twentieth day of *September*, 1672.

Ja. Armacanus, Mich. Dublin, Canc. Conway & Kilulta, Massereene, Hen. Midensis, Fran. Aungier, Art. Forbese, Jo. Bysse, Will. Steward, Fran. Hamilton, Hen. Ingoldesby, Theo. Jones, Arth. Chichester, Char. Meredyth. God save the King."

BY THE LORD LIEUTENANT AND COUNCIL.

Rules, Orders, and Directions, made and established by us the Lord Lieutenant and Council, for the better regulating the Corporation of the City of Limerick, *and the electing of Magistrates and Officers there.*

ESSEX.

Rules for corporation of *Limerick.*

"WHEREAS, &c. [The 17, 18 *Car. II.* recited as *ante* p. 39.] We the lord lieutenant and council, in pursuance of the said act, and the authority thereby given unto us, have thought fit to make and establish, and we do hereby make and establish the rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the said city of *Limerick*, and the electing of magistrates and officers there.

Fourth rule.

Fourthly, (*a*) That all foreigners, strangers, and aliens,

(*a*) The 1st, 2d, and 3d rules, relate to the elections of corporate officers.

as well others as Protestants, who are or shall be merchants, traders, artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at present residing and inhabiting within the said city of *Limerick*, or who shall at any time hereafter come into the said city, with intent and resolution there to inhabit, reside and dwell, shall upon his or their reasonable suit or request made, and upon payment down or tender of twenty shillings by way of fine, unto the chief magistrate or magistrates and common-council, or other persons authorized to admit and make freemen in the said city, be admitted a freeman of the said city; and, if he or they shall desire it, of all or any guild, brotherhood, society, or fellowship of any trade, craft or other mystery within the same, during his or their residence for the most part, and his and their families constant inhabiting within the said city, and no longer; and shall have, exercise and enjoy all privileges and immunities of trading, buying, working, and selling, in as large and ample manner as any freeman of the said city might have, exercise, or enjoy by virtue of his or their freedom; and that every such person or persons, who shall be admitted to be free as aforesaid, shall from thenceforth be deemed, esteemed, and taken, and be denizen and denizens within this kingdom: any law, statute, charter, usage or custom of this kingdom, or of any city, walled town, or corporation of the same, to the contrary in any wise notwithstanding.

Foreigners, traders, &c. on tender of 20*s.* fine, admitted free during residence, &c.

and deemed denizens,

Provided always, That all such strangers, artificers and others, to be admitted freemen as aforesaid, shall take the oath of allegiance to our sovereign lord the king, his heirs and successors, and also such other oaths as are accustomably taken by all or any freemen, or members of the said city, or by all or any the members of any such guild, or brotherhood, society, or fellowship of the trade, craft, or other mystery, which he or they shall occupy, or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society, or fellowship aforesaid, and shall pay all such and like charges, as all freemen his majesty's subjects of the like trade, craft, or mystery, shall or do use to pay, and no other or more: and that if the chief magistrate or magistrates, or other persons authorized as aforesaid, of the said city, or any master, warden, or other governour of any brotherhood, society, or fellowship, or any trade, craft, or mystery within the said city, shall refuse to admit any such stranger, being a merchant, trader, artificer, artizan, workman or seaman, residing or coming into this kingdom, with intent as aforesaid, to be a freeman of the said city, or to be a brother or member of any brotherhood, society, or fellowship within the same, every such chief magistrate or magistrates, master, wardens, or other governours respectively, shall upon complaint and due proof made of such refusal before the lord lieutenant, or other chief governour or go-

Taking the oaths,

on refusal, disfranchised, &c.

vernours, and council of this kingdom be by their order disfranchised, and from thenceforth incapable (without their licence) of being a freeman or member of the said city; and every such stranger being a merchant, trader, artificer, artizan, workman or seaman, upon tender by him made of twenty shillings, by way of fine as aforesaid, and taking the oath of allegiance before any justice of peace of the county of *Limerick*, (who is hereby authorized and appointed to administer the said oath) shall thereupon, by virtue hereof, be deemed, reputed, and taken, to all intents and purposes to be a freeman or member of the said city, and of the brotherhood, society, or fellowship of any trade, craft or mystery, where he or they shall be denied admission as aforesaid; and thenceforth have, exercise, and enjoy the liberty and privilege of trading, working, buying or selling of any commodities whatsoever, in as large and ample manner, as if he had been admitted a freeman of the said city, a brother or member of such brotherhood, society, or fellowship of any trade, craft, or mystery within the same, taking the usual oaths of such freemen, brothers, or members, (which oaths any one justice of peace of the said county of *Limerick* shall have power to administer) and paying all such charges as aforesaid; any law, custom, charter, or usage, to the contrary in any wise notwithstanding: and in case any person or persons shall give any interruption or disturbance to any such stranger, being a merchant, trader, artificer, artizan, workman, or seaman as aforesaid, to the hindering him in his trading, working, buying or selling as aforesaid, contrary to the intent and meaning hereof, all and every such person and persons so offending shall, upon like complaint and proof made of his or their offence therein before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchised, and from thenceforth incapable, without their licence, of being made a freeman or member of the said city.

On tender of fine of 20*s.* deemed free, and taking the oaths, &c.

Persons interrupting them disfranchised &c.

And these our rules, orders, and directions, we do hereby order and establish for ever hereafter to continue in force within the said city of *Limerick*, and within the corporations thereof; and that the same be forthwith inrolled in the rolls of his majesty's high court of chancery in this kingdom.

These rules made perpetual.

and inrolled in chancery.

Given at the council-chamber in *Dublin*, the three and twentieth day of *September*, 1672.

Ja. Armacanus. Mich. Dublin, Canc. Drogheda. Arran. Conway and Kilulta. Massereene. Hen. Midensis. Fran. Aungier. Art. Forbese. Jo. Byssse. Rob. Byron. Will. Steward. Hen. Ingoldesby. Theo. Jones. Char. Meredyth. God save the King."

BY THE LORD LIEUTENANT AND COUNCIL.

Rules, Orders and Directions, made and established by us, the Lord Lieutenant and Council, for the better regulating of the Corporation of the Town of Galway, *and the electing of Magistrates and Officers there.*

ESSEX.

Rules for corporation of *Galway*.

"WHEREAS, &c. [The 17, 18 *Car. II.* recited as *ante* p. 39.] We the lord lieutenant and council, in pursuance of the said act, and the authority thereby given unto us, have thought fit to make and establish, and we do hereby make and establish, the rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the said town of *Galway*, and the electing of magistrates and officers there.

Rule five.

Strangers, merchants, &c. admitted free during residence, on tender of fine of 20*s*. &c.

Fifthly,(*a*) That all foreigners, strangers and aliens, as well others as Protestants, who are or shall be merchants, traders, artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft or trade, or in the working or making any manufacture, or in the art of navigation, who are at present residing and inhabiting within the said town of *Gallway*, or who shall at any time hereafter come into the said town of *Gallway*, with intent and resolution there to inhabit, reside and dwell, shall upon his or their reasonable suit or request made, and upon payment down, or tender of twenty shillings, by way of fine, unto the chief magistrate or magistrates and common council, or other persons authorized to admit and make freemen of the said town of *Gallway*, be admitted a freeman of the said town of *Gallway*: and if he or they shall desire it, of all or any guild, brotherhood, society or fellowship of any trade, craft, or other mystery within the same, during his or their residence for the most part, and his and their families constant inhabiting within the said town of *Gallway*, and no longer; and shall have, exercise and enjoy all privileges and immunities of trading, working, buying and selling, in as large and ample manner as any freeman of the said town of *Gallway* might have, exercise, or enjoy, by virtue of his or their freedom: and that every such person or persons, who shall be admitted to be free, as aforesaid, shall from thenceforth be deemed, esteemed, and taken, and be denizen and denizens within this kingdom; any law, statute, charter, usage or custom of this kingdom, or of any city, walled town, or corporation of the same, to the contrary in any wise notwithstanding.

and deemed denizens.

Taking the oaths.

Provided always, that all such strangers, artificers, and others, to be admitted freemen as aforesaid, shall take the

(*a*) The 1st, 2d, 3d and 4th rules, relate to the election to corporate offices. See the 4 *Geo I. Ir. c.* 15. The 4th and 5th sections are given *post*.

oath of allegiance to our sovereign lord the king, his heirs and successors, and also such other oaths as are accustomably taken by all or any freemen, or members of the said town of *Gallway*, or by all or any the members of any such guild or brotherhood, society, or fellowship of the trade, craft, or other mystery, which he or they shall occupy, or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society, or fellowship aforesaid, and shall pay all such and like charges as all freemen his majesty's subjects of the like trade, craft, or mystery, shall or do use to pay, and no other, or more: and that if the chief magistrate or magistrates, or other persons authorized as aforesaid of the said town of *Gallway*, or any master, warden, or other governour of any brotherhood, society, or fellowship, or any trade, craft or mystery within the said town of *Gallway*, shall refuse to admit any such stranger, being a merchant, trader, artificer, artizan, workman or seaman, residing or coming into this kingdom, with intent as aforesaid to be a freeman of the said town of *Gallway*, or to be a brother or member of any brotherhood, society, or fellowship within the same, every such chief magistrate or magistrates, master, wardens, or other governours respectively, shall upon complaint and due proof made of such refusal, before the lord lieutenant, or other chief governour or governours and council of this kingdom, be by their order disfranchised, and from thenceforth incapable (without their licence) of being a freeman or member of the said town: and every such stranger being a merchant, trader, artificer, artizan, workman or seaman, upon tender by him made of twenty shillings by way of fine, as aforesaid, and taking the oath of allegiance before any justice of peace of the county of *Gallway*, (who is hereby authorized and appointed to administer the said oath) shall thereupon by virtue hereof be deemed, reputed, and taken to all intents and purposes to be a freeman or member of the said town of *Gallway*, and of the brotherhood, society, or fellowship of any trade, craft, or mystery, where he or they shall be denied admission as aforesaid; and from thenceforth have, exercise and enjoy the liberty and priviledge of trading, working, buying or selling of any commodities whatsoever, in as large and ample manner as if he had been admitted a freeman of the said town of *Gallway*, a brother or member of such brotherhood, society or fellowship of any trade, craft or mystery within the same, taking the usual oaths of such freemen, brothers or members (which oaths any one justice of peace of the said county of *Gallway* shall have power to administer) and paying all such charges as aforesaid; any law, custom, charter or usage, to the contrary in any wise notwithstanding.

and paying charges.

Disfranchisement on refusal, &c.

And in case any person or persons shall give any interruption or disturbance to any such stranger, being a merchant, trader, artificer, artizan, workman, or seaman as aforesaid, to the hindering him in his trading, working, buying or selling

Persons interrupting them disfranchised, &c.

as aforesaid, contrary to the intent and meaning hereof; all and every such person and persons so offending shall, upon like complaint and proof made of his or their offence therein before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchised, and from thenceforth incapable, without their license, of being made a freeman or member of the said town of *Gallway*.

And these our rules, orders and directions, we do hereby order and establish for ever hereafter to continue in force within the said town of *Gallway*, and within the corporations thereof; and that the same be forthwith inrolled in the rolls of his majesty's high court of chancery in this kingdom. Said rules perpetual, and inrolled in chancery.

Given at the council-chamber in *Dublin*, the three and twentieth day of *September*, 1672.

Ja. Armacanus. Mich. Dublin, Canc. Drogheda. Arran. Conway and Kilulta. Massereene. Hen. Midensis. Fran. Aungier. Art. Forbese. Jo. Bysse. Rob. Byron. Will. Steward. Hen. Ingoldesby. Theo. Jones. Char. Meredyth.

God save the King."

BY THE LORD LIEUTENANT AND COUNCIL.

Rules, Orders, and Directions, made and established by us the Lord Lieutenant and Council, for the better regulating the several Cities, walled Towns, and Corporations of Cork, Waterford, Kinsale, Youghall, Cashell, Clonmell, Athlone, Londonderry, Carrickfergus, Coleraine, Strabane, Charlemont, Trim, Dundalk, Kilkenny, Wexford, *and* Ross, *in the County of* Wexford, *and the electing of Magistrates and Officers there.*

ESSEX.

"WHEREAS, &c. [the 17, 18 *Car. II.* recited as *ante p.* 39.] We the lord lieutenant and council, in pursuance of the said act, and the authority thereby given unto us, have thought fit to make and establish, and we do hereby make and establish the rules, orders and directions hereafter mentioned, for the better regulating of the aforesaid several cities, walled towns, and corporations, and the electing of magistrates and officers there. 17 and 18 *C.* 2, 2. Rules for several corporations named.

Thirdly,(*a*) That all foreigners, strangers, and aliens, as well others as Protestants, who are or shall be merchants, traders, Rule three.

(*a*) The first and second rules relate to the elections of the corporate officers.

Strangers, merchants, &c. admitted free, during residence on tender of 20s. fine. 4 G. 1, 9.

artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at present residing and inhabiting within this kingdom, or who shall at any time hereafter come into the said several cities, walled towns or corporation, with intent and resolution there to inhabit, reside and dwell, shall upon his or their reasonable suit or request made, and upon payment down or tender of twenty shillings by way of fine, unto the chief magistrate or magistrates and common-council, or other persons authorized to admit and make freemen of such of the said several cities, walled towns or corporations, where he or they do intend to inhabit, reside, or dwell, be admitted a freeman of any of the said several cities, walled towns or corporations, and, if he or they shall desire it, of all or any guild, brotherhood, society, or fellowship of any trade, craft or other mystery within any of the said several cities, walled towns, or corporations, during his or their residence for the most part, and his and their families constant inhabiting within the said several cities, walled towns or corporations and no longer; and shall have, exercise, and enjoy all privileges and immunities of trading, buying, working, and selling, in as large and ample manner as any freeman of any the said several cities walled towns or corporations might have, exercise, or enjoy by virtue of his or their freedom: and that every such person or persons, who shall be admitted to be free as aforesaid, shall from thenceforth be deemed, esteemed, and taken, and be denizen and denizens within this kingdom; any law, statute, charter, usage or custom of this kingdom, or of any of the said several cities, walled towns or corporations to the contrary in any wise notwithstanding.

deemed denizens.

Provided always, That all such strangers artificers and others, to be admitted freemen as aforesaid, shall take the oath of allegiance to our sovereign lord the king, his heirs and successors, and also such other oaths as are accustomably taken by all or any freemen, or members of the said several cities, walled towns, or corporations; or by any the members of any such guild, or brotherhood, society, or fellowship of the trade, craft, or other mystery, which he or they shall occupy, or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society, or fellowship aforesaid; and shall pay all such and like charges as all freemen his majesty's subjects of the like trade, craft or mystery, shall or do use to pay, and no other, or more; and that if any chief magistrate or magistrates, or other persons authorized as aforesaid, of any the said several cities, walled towns or corporations, or any master, warden, or other governour of any brotherhood, society or fellowship, or any trade, craft, or mystery within the said several cities, walled towns, or corporations, shall refuse to admit any such strangers, being a merchant, trader, artificer, artizan, workman, or seaman, residing or coming into this kingdom with intent

as aforesaid, to be a freeman of any the said several cities, walled towns or corporations, where he or they intend to inhabit, reside, or dwell, or to be a brother or member of any brotherhood, society, or fellowship within them or any of them; every such chief magistrate or magistrates, master, warden, or other governours respectively, shall (upon complaint and due proof made of such refusal before the lord lieutenant or other chief governour or governours, and council of this kingdom) be by their order disfranchised, and from thenceforth incapable, without their licence, of being a freeman or member of any such city, town or corporation: and every such stranger, being a merchant, trader, artificer, artizan, workman or seaman, upon tender by him made of twenty shillings by way of fine as aforesaid, and taking the oath of allegiance before any justice of the peace of the county next adjacent to such city, town, or corporation, or wherein such city, town or corporation is situated (who is hereby authorized and appointed to administer the said oath) shall thereupon by virtue hereof be deemed, reputed, and taken, to all intents and purposes, to be a freeman or member of the said city, town, corporation, brotherhood, society, or fellowship of any trade, craft, or mystery, where he or they shall inhabit, reside or dwell, and be denied admission as aforesaid; and thenceforth have, exercise, and enjoy the liberty and priviledge of trading, working, buying or selling of any commodities whatsoever, in as large and ample manner, as if he had been admitted a freeman of such city, town or corporation, a brother or member of such brotherhood, society or fellowship of any trade, craft or mystery within the same, taking the usual oaths of such freemen, brothers or members, (which oaths any one justice of peace near adjoining, shall have power to administer) and paying all such charges as aforesaid; any law, custom, charter, or usage to the contrary in any wise notwithstanding. And in case any person or persons shall give any interruption or disturbance to any such stranger, being a merchant, trader, artificer, artizan, workman, or seaman as aforesaid, to the hindering him in his trading, working, buying or selling as aforesaid, contrary to the intent and meaning hereof, all and every such person and persons so offending, shall, (upon like complaint and proof made of his or their offence therein before the lord lieutenant or other chief governour or governours and council of this kingdom for the time being) be by their order disfranchised, and from thenceforth incapable, without their licence, of being made a freeman or member of any of the said several cities, walled towns or corporations. Persons disturbing them disfranchised.

And these our rules, orders, and directions, we do hereby order and establish for ever hereafter to continue in force in all the aforesaid several cities, walled towns and corporations of *Cork*, *Waterford*, *Kinsale*, *Youghall*, *Cashel*, *Clonmel*, *Athlone*, *Londonderry*, *Carrickfergus*, *Colerain*, *Strabane*, *Charlemount*, *Trim*, *Dundalk*, *Kilkenny*, *Wexford* and *Ross*; These rules to continue for ever,

and inrolled in chancery.

and that the same be forthwith inrolled in the rolls of his majesty's high court of chancery in this kingdom.

Given at the council-chamber in *Dublin*, the three and twentieth day of *September*, 1672.

Ja. Armachanus, Mich. Dublin, Canc. Drogheda, Arran, Conway and Kilulta, Massereene, Hen. Midensis, Fran. Aungier, Art. Forbese, Jo. Bysse, Rob. Byron, Will. Steward, H. Ingoldesby, Theo. Jones, Char. Meredyth.

God save the King."

BY THE LORD LIEUTENANT AND COUNCIL.

Rules, Orders, and Directions, made and established by us the Lord Lieutenant and Council, for the better regulating of all such Cities, walled Towns, and Corporations within this Kingdom of Ireland; *and the electing of Magistrates and Officers there, for which no other particular Rules, Orders or Directions have been, or shall be made by us before the twenty-ninth day of this instant* September.

ESSEX.

Rules for cities, &c.

"WHEREAS, &c. [the 17, 18 *Car. II.* recited as *ante p.* 39.] We the lord lieutenant and council, in pursuance of the said act, and the authority thereby given unto us, have thought fit to make and establish, and we do hereby make and establish the rules, orders and directions hereafter mentioned, for the better regulating of all such cities, walled towns, and corporations in this kingdom, and the electing of magistrates and officers there, for which no other particular rules, orders or directions have been, or shall be made by us before the twenty ninth day of this instant *September*.

Second rule. Foreigners, traders, or artificers, &c. on tender of 20*s.* fine, admitted free, during residence, &c.

Secondly, (*a*) That all foreigners, strangers, and aliens, as well others as Protestants, who are or shall be merchants, traders, artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at present residing and inhabiting within this kingdom, or who shall at any time hereafter come into any city, walled town, or corporation within this kingdom, with intent and resolution there to inhabit, reside, and dwell, shall upon his or their reasonable suit or request made, and upon payment down or tender of twenty shillings by way of fine, unto the chief magistrate or magistrates and common-council, or other persons authorized to admit and make freemen of such city, town, or corporation, where he or they do intend to inhabit,

(*a*) The first rule relates to the oaths of officers elected to corporate offices.

reside, or dwell, be admitted a freeman of any such city, walled town or corporation, within this kingdom, and, if he or they shall desire it, of all or any guild, brotherhood, society, or fellowship of any trade, craft or other mystery within all or any of the same, during his or their residence for the most part, and his and their families constant inhabiting within this kingdom, and no longer; and shall have, exercise and enjoy all privileges and immunities of trading, buying, working, and selling, in as large and ample manner as any freeman of any such city, walled town, or corporation might have, exercise, or enjoy by virtue of his or their freedom: and that every such person or persons, who shall be admitted to be free as aforesaid, shall from thenceforth be deemed, esteemed, and taken, and be denizen and denizens within this kingdom; any law, statute, charter, usage or custom of this kingdom, or of any city, walled town, or corporation of the same to the contrary in any wise notwithstanding. deemed denizens.

Provided always, That all such strangers, artificers and others, to be admitted freemen as aforesaid, shall take the oath of allegiance to our sovereign lord the king, his heirs and successors, and also such other oaths as are accustomably taken by all or any freemen, or members of any such respective cities, walled towns, or corporations; or by all or any the members of any such guild, or brotherhood, society, or fellowship of the trade, craft, or other mystery, which he or they shall occupy, or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society, or fellowship aforesaid; and shall pay all such and like charges as all freemen his majesty's subjects of the like trade, craft or mystery, shall or do use to pay, and no other, or more; and that if any chief magistrate or magistrates, or other persons authorized as aforesaid, of any city, town or corporations, or any master, warden, or other governour of any brotherhood, society, or fellowship, or any trade, craft, or mystery within any such city, town or corporation, shall refuse to admit any such stranger, being a merchant, trader, artificer, artizan, workman, or seaman, residing or coming into this kingdom with intent as aforesaid, to be a freeman of the city, town or corporation, where he or they intend to inhabit, reside, or dwell, or to be a brother or member of any brotherhood, society, or fellowship within the same; every such chief magistrate or magistrates, master, wardens, or other governours respectively, shall (upon complaint and due proof made of such refusal before the lord lieutenant or other chief governour or governours, and council of this kingdom) be by their order disfranchised, and from thenceforth incapable (without their licence) of being made a freeman or member of any such city, town or corporation: and every such stranger being a merchant, trader, artificer, artizan, workman or seaman, upon tender by him made of twenty shillings by way of fine as aforesaid, and taking the Taking the oaths, and paying charges. Persons refusing admittance disfranchised,

oath of allegiance before any justice of the peace of the county next adjoining to such city, town, or corporation, or wherein such city, town, or corporation is situated (who is hereby authorized and appointed to administer the said oath) shall thereupon by virtue hereof be deemed, reputed and taken, to all intents and purposes, to be a freeman or member of the said city, town, corporation, brotherhood, society, or fellowship of any trade, craft, or mystery, where he or they shall reside, or dwell, and be denied admission as aforesaid; and from thenceforth have, exercise, and enjoy the liberty and priviledge of trading, working, buying or selling of any commodities whatsoever, in as large and ample manner, as if he had been admitted a freeman of such city, town or corporation, a brother or member of such brotherhood, society or fellowship of any trade, craft, or mystery within the same, taking the usual oaths of such freemen, brothers or members, (which oaths any justice of peace near adjoining, shall have power to administer) and paying all such charges as aforesaid; any law, custom, charter, or usage to the contrary in any wise notwithstanding. And in case any person or persons shall give any interruption or disturbance to any such stranger, being a merchant, trader, artificer, artizan, workman, or seaman as aforesaid, to the hindering him in his trading, working, buying or selling as aforesaid, contrary to the intent and meaning hereof; all and every such person and persons so offending shall, upon like complaint and proof made of his or their offence therein, before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchised, and from thenceforth incapable, without their licence, of being made a freeman or member of any such city, town, or corporation.

and the strangers deemed free, &c.

Persons interrupting them disfranchised.

These rules perpetual,

And these our rules, orders and directions, we do hereby order and establish for ever hereafter to continue in force in all the cities, walled towns and corporations within this kingdom, for which no other particular rules, orders or directions have been, or shall be made by us before the twenty-ninth day of this instant *September*.

and inrolled in chancery.

And that the same be forthwith inrolled in the rolls of his majesty's high court of chancery in this kingdom.

Given at the council-chamber in *Dublin*, the sixteenth day of *September*, 1672.

Ja. Armachanus, Mich. Dublin, Canc. Drogheda, Arran, Conway and Kilulta, Massereene, Hen. Midensis, Fran. Aungier, Art. Forbese, Jo. Bysse, Rob. Byron. Will. Steward, Theo. Jones, Edward Massie, Mau. Eustace, A. Chichester, Char. Meredyth, Hen. Ford.

God save the King."

No. 30.—4 WILL. & M. IR. C. 2.

An Act for encouragement of Protestant Strangers to settle in this Kingdom of Ireland.

A.D. 1692.

[This act continued, with some amendments, the 14, 15 Car. II. c. 13, for seven years.]

No. 31.—9 WILL. III. IR. C. 3.

An Act to prevent Protestants intermarrying with Papists.

A.D. 1697.

[s. 2. Any Protestant person shall, marrying any maiden or woman without having obtained a certificate of the minister, &c. of her being a known Protestant, disabled to sit in either house of parliament.] *Repealed* 32 *G.* 3, *c.* 21, *s.* 9.

No. 32.—2 ANN. IR. C. 6.

An Act to prevent the further growth of Popery.

A.D. 1703.

[s. 24. No freeholder, burgess, freeman or inhabitant of this kingdom being a papist, capable of voting without first taking the oaths of allegiance, and abjuration, and producing certificate. *See the* 33 *Geo. III. &c.*]

No. 33.—2 ANN. IR. C. 14.

An Act for Naturalizing of all Protestant Strangers in this Kingdom. A.D. 1703.

[THIS act continued, with amendments, the 14, 15 *Car. II.* c. 13, for five years. One of its clauses (*s.* 3, expired,) enacted, that no person or persons, alien, stranger, or foreigner, who by virtue of this or the aforesaid act shall be naturalized, or made free of any corporation, shall have any power to serve as member or members in the present or any future parliament in this kingdom, or to vote in the election of any member to serve in this present parliament, or any future parliament in this kingdom, or to serve as a magistrate or vote in the election of magistrate or officer, &c.]

No. 34.—2 Geo. I. Ir. c. 19.

"*An Act for the more effectual Preventing Fraudulent Conveyances, in order to multiply Votes for electing Members to serve in Parliament; and for preventing the irregular Proceedings of Sheriffs, and other Officers, in electing and returning such Members.*"

A.D. 1715.

[This act is repealed by the 35 *Geo. III. Ir. c.* 29, *s.* 1, except such part as relates to the new election of an alderman or burgess of a corporation upon death, removal, or resignation.]

No. 35.—4 Geo. I. Ir. c. 9.

An Act for reviving, continuing, and amending several Statutes in this Kingdom heretofore temporary

A.D. 1717.

14 and 15 *C.* 2, 13, so far as it relates to encouragement of Protestant strangers (except the exemption from excise) revived and made perpetual. 4 *W.* and *M.* 2.

s. 1. "Whereas in the parliament held in *Dublin* the eighth day of *May*, in the thirteenth year of the reign of our late sovereign lord King *Charles* the Second, and by divers prorogations held and continued to the seventh day of *April*, in the fourteenth year of his said majesty's reign, a certain act of parliament was made and passed, intituled, *An Act for encouraging Protestant strangers and others to inhabit and plant in the kingdom of* Ireland; which said act, as to the naturalizing the strangers thereby intended to be naturalized, had continuance only for the term of seven years from the end of the said parliament: and whereas the said law, by an act made in the fourth year of our late most sovereign lord and lady King *William* and Queen *Mary*, as to all and every clause and clauses thereof, was revived for and during the space of seven years from the end of the then present session of parliament; which act, so far forth as the same concerns or relates to the encouraging of Protestant strangers, with the alterations

2 *Anne*, 14.

therein mentioned, was again revived by one other act made in the second year of our late sovereign lady Queen *Anne*, but thereby had continuance only for and during the space of five years, from the twenty-fifth day of *March* one thousand seven hundred and four, and to the end of the next session of parliament after the determination of the said five years: and whereas the said first mentioned act hath been found to have been of good advantage unto this your majesty's kingdom, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the said act, and all and every clause, article, and provisoe therein contained, so far forth as

the same concerns or relates to the encouraging Protestant strangers, other than the clause which exempts them from payment of excise, is hereby revived, and shall be in full force to all intents and purposes for ever.

None to have benefit thereof, till, instead of the oaths thereby prescribed, they take the oaths appointed by 3 *W.* and *M.* 2 *Eng.*

s. 2. Provided always, That no person or persons shall have the benefit of the said act, until he, she, or they shall, instead of the oaths of allegiance and supremacy mentioned in the said act, take the several oaths mentioned and appointed to be taken in *Ireland* by an act of parliament made in *England* in the third year of the reign of the late King *William* and Queen *Mary* of ever glorious memory, intituled, *An act for the abrogating the oath of supremacy in* Ireland, *and appointing other oaths*; being in the same form herein after mentioned: (*viz.*)

I, *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty King *George*.

So help me God.

But see now the Relief Act, 10 *Geo. IV. c. 7. s. 1.*

I, *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated, or deprived by the pope, or any authority of the see of *Rome*, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, preheminence, or authority, ecclesiastical or spiritual, within this realm.

So help me God.

And the declaration and oath following.

And shall make and subscribe the declaration following: (viz.)

I, *A. B.* do solemnly and sincerely in the presence of God profess, testify, and declare, That I do believe, that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the *Virgin Mary*, or any other saint, and the sacrifice of the mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by Protestants without any evasion, equivocation, or mental reservation whatsoever; and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of dispensation from any person or authority whatsoever, or without believing that I am, or can be, acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope or any other person or persons, or power whatsoever, shall dispense with or annul the same, or declare that it was null and void from the beginning. And shall also take the oath following:

I, *A. B.* do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, That our Sovereign lord King *George* is lawful and rightful king of this realm, and of all other his majesty's dominions and countries thereunto belonging; and I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be Prince of *Wales* during the life of the late King *James*, and since his decease pretending to be, and taking upon himself, the stile and title of King of *England*, by the name of *James* the Third, or of *Scotland*, by the name of *James* the Eighth, or the stile and title of King of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him: and I do swear that I will bear faith and true allegiance to his majesty King *George*, and him will defend to the utmost of my power against all traiterous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity; and I will do my utmost endeavours to disclose and make known to his majesty and his successors, all treasons and traiterous conspiracies, which I shall know to be against him, or any of them: and I do faithfully promise to the utmost of my power to support, maintain, and defend the succession of the crown, against him the said *James*, and all other persons whatsoever; which succession, by an act, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands limited to the Princess* Sophia, *electoress and dutchess dowager of Hanover, and the heirs of her body being Protestants:* and all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever: and I do make this recognition, acknowledgement, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a Christian. So help me God.

Their freedom to continue only during residence.

III. Provided always, That such freedom in any city, borough, or town-corporate, shall not be of use to any such alien, stranger, or foreigner, nor continue longer than while he, she, or they shall dwell or reside in such city, borough, or town-corporate; any thing in the said act, or in this present act, to the contrary notwithstanding.

Free seven years, after settling in a corporation, from corporation taxes or expensive offices.

IV. And for the greater encouragement of Protestant strangers to come and reside in this kingdom, be it enacted, That all such strangers, who shall come and settle in any corporation in this kingdom, shall be freed from all manner of corporation taxes, and from being obliged to undergo any corporation offices, that shall bring any expence along with them, for the term of seven years after their coming into and settling in this kingdom."

No. 36.—4 GEO. I. IR. c. 15.

An Act for the better regulating of the Town of Galway, *and for the strengthening the Protestant Interest therein.*
A.D. 1717.

Tradesmen coming to reside in *Galway* shall be free, without paying for the same, as long as they dwell there,

s. 5. " And be it further enacted by the authority aforesaid, That all and every person and persons, who profess him or themselves of any trade, mystery, or handy-craft, that do or shall come to inhabit, dwell, or reside in the said town of *Gallway*, in order to follow their respective trades, shall and are hereby declared to be free of the town and corporation of *Gallway*, and also of that company or corporation to which their respective trades belong, without paying any thing for such freedom, and shall continue freeman of such company or corporation to all intents and purposes, as long as he or they inhabit or dwell in the said town, and no longer, and shall be exempted and freed from all corporation-taxes and fines, for not serving as beadle for the space of seven years next after his or their coming to inhabit in the said town.

and exempt seven years from corporation taxes for not serving as beadle,

Provided Protestants seven years next before, and taking the oaths, &c.

s. 6. Provided, That no person or persons are to have the benefit of their freedoms as aforesaid, unless he or they have been professed Protestants for seven years, or upwards, next before his or their demanding their freedoms pursuant to this act; and shall also take the usual oaths of freemen; and also the oaths of allegiance and supremacy, and abjuration; and make and subscribe the declaration, commonly called the declaration against transubstantiation, before the mayor of the town, who is hereby impowered and required to administer the same."

No. 37.—8 GEO. I. IR. c. 12.

An Act for the better enabling of the Clergy having cure of Souls to reside on their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of Ireland.
A.D. 1721.

Grant of land for

s. 10. (*a*) " Provided that no land granted as aforesaid for the use of any rector, vicar, or other ecclesiastical person, or

(*a*) This act recites the 15 *Car. I. Ir. c.* 11, for endowing churches with glebe lands, and the 2 *Ann. Ir. c.* 10, for the exchange of glebes and contains several new provisions enabling the granting of glebes, and it enables (*s.* 9,) ecclesiastical persons to grant lands to the churchwardens and their successors for the use of a resident Protestant shoolmaster to teach the *English* tongue.
See further as to glebes, 10 *Geo. I. Ir. c.* 6; 1 *Geo. II. Ir. c.* 15; 3 *Geo. II. Ir. c.* 12.
And as to schools 5 *Geo. II. Ir. c.* 4; 29 *Geo II. Ir. c.* 7.

glebe or school shall not make a freehold.

of any schoolmaster, shall be reputed to make such rector, vicar, or ecclesiastical person, or schoolmaster, or any person under any of them deriving, a freeholder to any intent or purpose of land whatsoever."

No. 38.—1 Geo. II. Ir. c. 7.(a)

6 *Ann. G.B. c.* 7.

An Act [1*to continue the Parliament for the time being on the Demise of his present most gracious Majesty, or any of his Heirs, or Successors, for the Term of six Months from the day of the said Demise; and likewise to prevent the Public Funds from expiring during the said Term.*] A.D. 1727.

[1 *For the Security of her Majesty's Person and Government, and of the Succession of the Crown of* Great Britain *in the Protestant Line.*]

[2s. 1. 'For the better security of the Protestant interest in this kingdom of *Ireland*, and of the succession to the crown of *Great Britain* and *Ireland* in the Protestant line, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same,] That this present parliament, or any other parliament, which shall hereafter be summoned and called by [3his present majesty, his] heirs or successors, shall not be determined or dissolved by the death or demise of [4his said majesty, his] heirs or successors, but such parliament shall and is hereby enacted to continue, and is hereby impowered and required, if sitting at the time of such demise, immediately to proceed to act, notwithstanding such death or demise, for and during the [5time of six calendar] months, and no longer; unless the same shall be sooner prorogued or dissolved by such person, to whom the crown of [6*Great Britain* and *Ireland* shall descend,] remain, and be, according to the [7several acts made in *Great Britain*] for limitting and settling the succession

[2s. 4. And be it further enacted by the authority aforesaid]

Parliament not dissolved by demise of the king, but if then sitting shall proceed to act six months, unless sooner prorogued or dissolved,

[3her majesty Queen *Anne*, her]

[4her said majesty, her]

[5time of six]

[6this realm of *Great Britain* shall come]

[7acts]

(a) No provision appears to have been made at the Union of *Great Britain* and *Ireland*, for reconciling the discrepancies between these acts. See 1 *Gabb. Dig.* 146.

[8and for the union above mentioned] [9 prorogued]

[8thereof in the Protestant line;] and if the said parliament shall be [9so prorogued,] then it shall meet and sit upon the day unto which it shall be prorogued,

and if prorogued shall meet on the day

[10 said time of six]

and continue for the residue of the [10same time of six calendar] months, unless sooner prorogued or dissolved as aforesaid.

[11 s. 5.

[11s. 2.] And be it further enacted by the authority aforesaid, That if there be a parliament in being at the time of the death of [12his majesty, his] heirs or successors, but the same happens to be separated by [13adjournment,] such parliament shall immediately after such demise meet, convene, and sit, and shall act, notwithstanding such death or demise, for and during the time of [14six calendar] months and no longer, unless the same shall be sooner prorogued or dissolved as aforesaid.

If then adjourned, shall meet immediately and act six months, unless, &c.

[12 her majesty, her]

[13 adjournment or prorogation]

[14 six]

[*N.B. No corresponding clause in the* British *act; but see above, note* 13.]

[s. 3. And be it further enacted by the authority aforesaid, That if there be a parliament in being at the time of the death of his majesty, his heirs or successors, but the same happens to be separated by prorogation, such parliament may notwithstanding such death or demise meet and convene at such time within the said six calendar months, and at such place, as the person to whom the crown of *Great Britain* and *Ireland* shall descend, remain, and be as aforesaid, shall appoint by proclamation, and may act during the residue of the said six calendar months next after such death or demise, and no longer, unless the same be sooner prorogued or dissolved as aforesaid.]

If then prorogued, may meet at such time within the six months, and at such place as appointed by proclamation, and act during residue of six months, unless, &c.

[15 s. 6.]

[15s. 4.] And be it further enacted by the authority aforesaid, That in case there is no parliament in being at the time of such [16death or demise, that has] met and sat, then the last preceding parliament [17may convene and sit at such time within six calendar months, and at such place as the person to whom the crown of *Great Britain* and *Ireland* shall descend, remain, and be as aforesaid, shall appoint by proclamation, and shall] be a parliament to continue as aforesaid, to all intents and purposes, as if the same parliament had never been dissolved; [18subject nevertheless] to be prorogued and dissolved as aforesaid.

If none then in being, the last parliament may convene as aforesaid.

See the 38 *Geo. III. Ir. c.* 20. *ss.* 2, *&c. varying this provision.*

[16 demise, that hath]

[17 shall immediately convene and sit at *Westminster*, and]

[18 but subject]

The king's power to prorogue or dissolve not altered.

[19 s. 5.] Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend, to alter or abridge the power of the [20king, his] heirs or successors, to prorogue or dissolve parliaments.[21] [19 s. 7.] [20queen, her]

[21 "nor to repeal or make void," &c. the 6 *W. & M. Eng. c.* 2, for the frequent meeting and calling of parliaments, which is enacted to extend to the parliament of *Great Britain.*]

No. 39.—1 Geo. II. Ir. c. 9.

An Act for the further regulating the Election of Members of Parliament, and preventing the irregular proceedings of Sheriffs and other Officers in electing and returning such Members. A.D. 1727.

Repealed by the 35 *Geo. III. Ir. c.* 29.

No. 40.—5 Geo. II. Ir. c. 6, s. 9.

A.D. 1731.

[This section, which recites the 8 *Geo.* 1. *Ir. c.* 12, *s.* 9, enables tenants in fee, tail, or for life, in possession, remainder to their issue to grant lands to the minister and churchwardens and their successors, for the use of a resident Protestant schoolmaster, &c. concludes with the following words:]

Lessee of land for school, &c. not qualified.

"Provided that no such grantee or lessee shall be qualified to vote at the election of any member to serve in parliament as a freeholder, by virtue of such grant or lease."

No. 41.—19 Geo. II. Ir. c. 11.

An Act for the better regulating Elections of Members to serve in Parliament.

A.D. 1745.

Repealed by the 35 *Geo. III. c.* 29.

No. 42.—19 Geo. II. Ir. c. 12.

An Act for the better regulating of Corporations.

A.D. 1745.

9 *Anne*, 20 *Eng.* Illegal intrusion

s. 1. "Whereas divers persons have of late illegally intruded themselves into, and have taken upon themselves to execute

the offices of mayors, bailiffs, portrieves, and other offices within cities, towns corporate, boroughs, and places within this kingdom; and where such offices were annual offices, it has been found very difficult, if not impracticable, by the laws now in being, to bring to a trial and determination the right of such persons to the said offices within the compass of the year; and where such offices were not annual offices, it has been found difficult to try and determine the right of such persons to such offices, before they have done divers acts in their said offices prejudicial to the peace, order, and good government within such cities, towns corporate, boroughs, and places, wherein they have respectively acted: and whereas divers persons, who had a right to such offices, or to be burgesses or freemen of such cities, towns corporate, boroughs, or places, have either been illegally turned out of the same, or have been refused to be admitted thereto, having in many of the said cases no other remedy to procure themselves to be respectively admitted or restored to their said offices or franchises of being burgesses or freemen, than by writs of *mandamus*, the proceedings on which are very dilatory and expensive; whereby great mischiefs have already ensued, and more are likely to ensue, if not timely prevented: and whereas in many cities, boroughs, and towns corporate within this kingdom, the election of the mayor, bailiff, or bailiffs, or other chief officer or officers, is by charter or antient usage confined to a particular day or time, without any provision how to act or proceed in case no election be then made; and it frequently happens, that by such charter or usage, particular acts are required to be done at certain times in order to and for the completing of such elections, and by the contrivance or default of the person or persons, who ought to hold the court, or preside in the assembly where such elections are to be made or such acts to be done, or by accident, it has sometimes happened, and may frequently do so, if not timely prevented, that no courts or assemblies have been held, or elections made, or such acts done, within the time fixed for that purpose, in which cases if elections of such officers could not afterwards be made or compleated, or if in consequence of such omission the corporation should be dissolved, great mischiefs might ensue: for remedy and prevention whereof, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in parliament assembled, and by the authority of the same, that from and after the first day of *Trinity* term in the year of our lord one thousand seven hundred and forty six where any writ or *mandamus* shall issue out of the court of king's bench in this kingdom in any of the cases aforesaid, such person or persons, who by the laws of this realm are required to make a return to such writ of *mandamus*, shall make his or their return to the first writ of *mandamus*.

into offices of mayors, &c. where annual, difficult to try the right in a year, or, where not annual, before many prejudicial acts done.

Illegal turning out, or refusing admittance of burgesses and freemen.

no remedy, save by *mandamus*, which is dilatory and expensive.

11 *G.* 2. 4, *Eng.* Election of officers by charter or usage confined to a time, without provision if no election;

by contrivance or default of presidents, or by accident assemblies not held, or acts not done in time

mischiefs thereby:

returns to *mandamus* in cases aforesaid shall be made to the first writ, 9 *Anne* 20, *Eng.* *s.* 1.

s. 2. And be it further enacted by the authority aforesaid, that from and after the said first day of *Trinity* term, as often

9 *Anne* 20, *Eng.* *s.* 2.

Prosecutor of the writ may plead to or traverse all or any material facts in the return; person making return shall reply, take issue, demur: further proceedings, as if *case* brought for false return. If issue joined, prosecutor may try it in such place as issue joined in *case*: if verdict for him, or judgment on demurrer, *nil dicit*, &c. damages and costs as in *case*, levied by *fi. fa. ca. sa.* or *elegit*, and *mandamus* peremptory. If judgment for the return, costs as aforesaid.

as in any of the cases aforesaid, any writ of *mandamus* shall issue out of the court of king's bench, and a return shall be made thereunto, it shall and may be lawful to and for the person or persons suing or prosecuting such writ of *mandamus* to plead to or traverse all or any of the material facts contained within the said return; to which the person or persons making such return shall reply, take, issue, or demur; and such further proceedings, and in such manner, shall be had therein for the determination thereof, as might have been had, if the person or persons suing such writ had brought his or their action on the case for a false return; and if any issue shall be joined on such proceeding, the person or persons suing such writ shall and may try the same in such place, as an issue joined in such action on the case should or might have been tried; and in case a verdict shall be found for the person or persons suing such writ, or judgment given for him or them upon a demurrer, or by *nil dicit*, or for want of a replication, or other pleading, he or they shall recover his and their damages and costs in such manner, as he or they might have done in such action on the case as aforesaid; such costs and damages to be levied by *capias ad satisfaciendum*, *fieri facias*, or *elegit*; and a peremptory writ of *mandamus* shall be granted without delay for him or them, for whom judgment shall be given, as might have been, if such return had been adjudged insufficient; and in case judgment shall be given for the person or persons making such return to such writ, he or they shall recover his or their costs of suit, to be levied in manner aforesaid.

If damages against maker of return, not liable to other action.

s. 3. Provided always, that if any damages shall be recovered by virtue of this act against such person or persons making such return to such writ as aforesaid, he or they shall not be liable to be sued in any other action or suit for the making such return; any law, usage, or custom, to the contrary thereof in any wise notwithstanding.

Quo warranto may with leave of *B. R.* be exhibited at relation of any one desiring, against usurpers, &c. of offices or franchises;

s. 4. And be it further enacted by the authority aforesaid, that from and after the said first day of *Trinity* term, in case any person or persons shall usurp, intrude into, or unlawfully hold and execute, any of the said offices or franchises, it shall and may be lawful to and for the proper officer of the said court of king's bench, with the leave of the said court, to exhibit one or more information or informations in the nature of a *quo warranto* at the relation of any person or persons desiring to sue or prosecute the same, and who shall be mentioned in such information or informations, to be the relator or relators, against such person or persons so usurping, intruding into, or unlawfully holding and executing any of the said offices or franchises, and to proceed therein in such manner as is usual in cases of informations in the nature of a *quo warranto*; and if it shall appear to the said court, that the several rights of divers persons to the said offices or franchises may properly be determined on one information, it shall and may be lawful for the said court to give leave to exhibit one such information against several persons in order to try their

and proceedings as usual in *quo warranto*; leave may be given for one information against several, if their rights properly determinable on one: and they

respective rights to such offices or franchises; and such person or persons, against whom such information or informations in the nature of a *quo warranto* shall be sued or prosecuted, shall appear and plead as of the same term, in which the said information or informations shall be filed, unless the said court, where such information shall be filed, shall give further time to such person or persons, against whom such information shall be exhibited, to plead; and such person or persons, who shall sue or prosecute such information or informations in the nature of a *quo warranto*, shall proceed thereupon with the most convenient speed, that may be; any law or usage to the contrary thereof in any wise notwithstanding.

shall appear and plead as of same term in which information filed, unless further time by the court to plead. Relators shall proceed with most convenient speed.

s. 5. And be it further enacted by the authority aforesaid, that from and after the first day of *Trinity* term in case any person or persons, against whom any information or informations in the nature of a *quo warranto* shall in any of the said cases be exhibited in the said court, shall be found or adjudged guilty of an usurpation, or intrusion into, or unlawfully holding and executing any of the said offices or franchises, it shall and may be lawful to and for the said court, as well to give judgment of ouster against such person or persons of and from any of the said offices or franchises, as to fine such person or persons respectively for his or their usurping, intruding into, or unlawfully holding and executing, any of the said offices or franchises; and also it shall and may be lawful to and for the said court to give judgement, that the relator or relators in such information named shall recover his and their costs of such prosecution; and if judgment shall be given for the defendant or defendants in such information, he or they, for whom such judgment shall be given, shall recover his or their costs therein expended against such relator or relators; such costs to be levied in manner aforesaid.

If found guilty of usurpation, &c. judgment of ouster, and fine; and costs to relators: costs if judgment for defendants.

s. 6. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said court of king's bench to allow to such person or persons respectively, to whom any writ of *mandamus* shall be directed, or against whom any information in the nature of a *quo warranto* in any of the cases aforesaid shall be sued or prosecuted, or to the person or persons who shall sue or prosecute the same, such convenient time respectively to make a return, plead, reply, rejoin, or demur, as to the said court shall seem just and reasonable; any thing herein contained to the contrary thereof in any wise notwithstanding.

B. R. may allow convenient time to make return to *mandamus*; or on an information, to plead, reply, rejoin, or demur.

No. 43.—21 Geo. II. Ir. c. 10.

An Act to amend and make more effectual an Act intituled, "An Act for better regulating Elections of Members to serve in Parliament," and for the more effectual quieting of Corporations, and securing the rights of Persons who have been, or shall be, elected into the offices of Aldermen or Burgesses within any Corporation of this Kingdom.

A.D. 1747.

[So much of this act as relates to the election of members to serve in parliament is repealed by the 35 *Geo. III. Ir.* c. 29.]

Many towns corporate and boroughs, for want of Protestants resident obliged to elect into offices persons not resident.

Doubts upon their acting:

still impracticable to find fit protestant inhabitants:

Controversies likely as to legality of the election:

No person duly elected into said offices or franchises in town corporate or borough (not a city) shall be ousted or molested only for not being inhabitant or resident at the time.

s. 8. "And whereas many of the towns corporate and boroughs, not being cities, who send members to parliament in this kingdom, have been hitherto obliged for want of Protestant inhabitants, resident within the precincts of such towns corporate and boroughs, to elect into the offices of burgesses, and other offices in such corporations, persons who did not inhabit, or could not be resident in the precincts thereof; and whereas it has been questioned, whether persons, who were not inhabitants within such corporations, could within the letter of their respective charters, or some of them, be elected into, or act as burgesses or other officers within such towns corporate or boroughs: and whereas it still continues impracticable in most of the said towns corporate and boroughs to find Protestant inhabitants, who on account of their circumstances are fit to be trusted in such offices: and whereas many suits and controversies may and are likely to arise touching the legality of the elections of persons, who are not inhabitants as aforesaid, and the peace, order, and good government of such corporations may thereby be interrupted, and great mischief ensue if not timely prevented: for remedy and prevention whereof, and for the more effectual quiet and establishment of corporations, and securing the rights and priviledges of persons, who have been or shall be elected into any of the said offices or franchises, be it enacted and declared by the authority aforesaid, that no person, who hath been or who shall be in all other respects duly elected and admitted into any of the said offices or franchises in any town-corporate or borough, not being a city, within this kingdom, shall be ousted of any such office or franchise as aforesaid, or be any ways sued, prosecuted, or molested, for or by reason only of his not being an inhabitant of, or resident within such town-corporate or borough at the time of his election; but that it shall and may be lawful to and for all and every person and persons, who have or hath been, or hereafter shall in other respects be duly elected and admitted into any of the said offices or franchises aforesaid, to hold, exercise and enjoy such office or franchise as aforesaid as fully and effectually to all

intents and purposes, as if such person or persons was or were inhabitants of, or resident within such town-corporate or borough at the time of his or their election."

No. 44.—3 GEO. III. IR. c. 13.

An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament, and the Magistrates of Cities, Boroughs, and Towns Corporate. A.D. 1763.

REPEALED by the 35 *Geo. III. Ir. c.* 29.

No. 45.—7 GEO. III. IR. c. 3.(*a*)

An Act for limiting the duration of Parliaments. A.D. 1767.

s. 2. "THAT whereas a limitation of the duration of parliaments may tend to strengthen the harmony and good agreement subsisting between his majesty and his people of *Ireland*, and may be productive of other good effects to his majesty's sub-

(*a*) The duration of parliament was limited, by the 6 *W.* and *M. Eng. c.* 2, to three years; and by the 1 *Geo. I. G. B. Stat.* 2, *c.* 38, extended to seven years. The act of union 40 *Geo.* 3. *Ir. c.* 38, 39, 40 *Geo.* 3. *G. B. c.* 67, has declared that the united kingdom shall be represented in one and the same parliament, to be styled the parliament of the united kingdom of *Great Britain* and *Ireland*; but these acts do not contain any provision as to the duration of the imperial parliament, except as to the duration of the first parliament, which by the fourth article was to continue to sit, if not sooner dissolved, as long as the *then* present parliament of *Great Britain* was to continue, &c. It seems to be an omission in the act of union, not to have provided that the laws which respected the meeting and duration of parliament in one kingdom, the penalties for not taking the oaths, the mode of passing laws, and giving the royal assent thereto, &c. should be extended to the united kingdom and to all the members thereof, as the laws which respected the parliaments in each country were in these respects different. This omission does not seem to be supplied by the eighth article of the union, which provides that all laws in force at the time of the union within the respective kingdoms, shall remain as then established, subject to such alterations as circumstances may appear to the parliament of the united kingdom to require. See 1 *Gabb. Dig.* 147, 148.

The *English* and *British* acts are as follows:—

6 WILL. & M. ENG. c. 2.

An Act for the frequent Meeting and Calling of Parliaments. A.D. 1694.

"WHEREAS by the ancient laws and statutes of this kingdom frequent parliaments ought to be held; and whereas frequent and new parliaments tend very much to the happy union and good agreement of the king and people;" We your majesties most loyal and obedient subjects, the lords spiritual and temporal and commons in this present parliament assembled, do most humbly beseech your most excellent majesties that it may be declared and enacted in this present parliament; and it is hereby declared and enacted, &c. That from henceforth a parliament shall be holden once in three years at the least. Parliament to be held once in three years.

2. And be it further enacted by the authority aforesaid, That within three years at the farthest, from and after the dissolution of this present

jects, there; we, your majesty's most dutiful and loyal subjects, the commons of *Ireland* in parliament assembled, do most humbly beseech your majesty, that it may be declared and enacted in this present parliament, and be it declared and enacted by the king's most excellent majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, that from henceforth no parliament, which shall at any time hereafter be called, assembled, or held, shall have any longer continuance than for eight years, to be accounted from the day on which by the writs of summons the said parliament shall be appointed to meet.

No parliament to continue above 8 years,

from the day appointed to meet by writs of summons.

This determined 24 *June* 1768, unless dissolved sooner.

s. 2. And be it further enacted by the authority aforesaid, that this present parliament shall cease and determine on the twenty fourth day of *June*, which shall be in the year of our lord one thousand seven hundred and sixty eight, unless his majesty shall think fit sooner to dissolve the same."

Writs to be issued out once in three years.

parliament, and so from time to time for ever hereafter, within three years at the farthest, from and after the determination of every other parliament, legal writs under the great seal shall be issued by directions of your majesties, your heirs and successors, for calling, assembling, and holding another new parliament.

No parliaments to last longer than three years.

3. And be it further enacted by the authority aforesaid, That from henceforth no parliament whatsoever, that shall at any time hereafter be called, assembled, or held, shall have any continuance longer than for three years only at the farthest, to be accounted from the day on which, by the writs of summons, the said parliament shall be appointed to meet.

Present parliament to cease 1st Nov. 1696.

4. And be it further enacted by the authority aforesaid, That this present parliament shall cease and determine on the first day of *November*, which shall be in the year of our Lord 1696, unless their majesties shall think fit to dissolve it sooner.

1 Geo. I. G. B. Stat. 2. c. 38.

An Act for enlarging the Time of Continuance of Parliaments, appointed by an Act made in the sixth Year of the Reign of King William *and Queen* Mary, *intituled, An Act for the frequent meeting and calling of Parliaments.* A.D. 1715.

Whereas in and by an act of parliament made in the sixth year of the reign of their late majesties King *William* and Queen *Mary* (of ever blessed memory), intituled, *An Act for the frequent meeting and calling of parliaments*, it was amongst other things enacted, That from thenceforth no parliament whatsoever, that should at any time then after be called, assembled or held, should have any continuance longer than for three years only at the farthest, to be accounted from the day on which by the writ of summons the said parliament should be appointed to meet; and whereas it hath been found by experience, that the said clause hath proved very grievous and burthensome, by occasioning much greater and more continued expences, in order to elections of members to serve in parliament, and more violent and lasting heats and animosities among the subjects of this realm, than were ever known before the said clause was enacted, and the said provision, if it should continue, may probably, at this juncture, when a restless and popish faction are designing and endeavouring to renew the rebellion within this kingdom, and an invasion from abroad, be destructive to the peace and security of the government; Be it enacted, &c. That this present parliament, and all parliaments that shall at any time hereafter be called, assembled or held, shall and may respectively have continuance for seven years, and no longer, to be accounted from the day on which by the writ of summons this present parliament hath been, or any future parliament shall be appointed to meet, unless this present, or any such parliament hereafter to be summoned, shall be sooner dissolved by his majesty, his heirs or successors.

Parliament shall have continuance for seven years, unless sooner dissolved by the king.

No. 46.—11 GEO. III. IR. c. 10.(a)

An Act to enable the Speaker of the House of Commons to issue his Warrants to make out New Writs for the choice of Members to serve in Parliament, in the room of such Members as shall die during the recess of Parliament.

A.D. 1771.

s. 1. "WHEREAS many inconveniencies have happened, and many disorders have been occasioned, for want of more speedy elections of members of the house of commons in the room of such, who have died during the recess of parlia-

(a) See this amended by the 15, 16 *Geo.* 3. *Ir. c.* 11, *post.* And see the provisions of the *Irish* representation act, 40 *Geo.* 3. *Ir. c.* 29, incorporated in the act of union, 40 *Geo.* 3. *Ir. c.* 38, which authorises and requires the chancellor of *Ireland* to cause writs to be issued either in case of general elections, or to supply any vacancy, arising by death or otherwise. See also 1 *Gabb Dig.* 67, 69. See the 10 *Geo.* 3. *G. B. c.* 41, and 15 *Geo.* 3. *G. B. c.* 36, which contained similar provisions. These were repealed by the 24 *Geo.* 3. *G. B. sess.* 2, *c.* 26, which consolidated and amended the previous enactments.

24 GEO. III. G. B. SESS. 2. c. 26.

An Act to repeal so much of two Acts, made in the 10th and 15th Years of the Reign of His present Majesty, as authorizes the Speaker of the House of Commons to issue his Warrant to the Clerk of the Crown for making out Writs for the Election of Members to serve in Parliament, in the manner therein mentioned; and for substituting other Provisions for the like Purposes. A. D. 1784.

WHEREAS by an act made in the 10th year of the reign of his present majesty, intituled, "An Act to enable the speaker of the house of commons to issue his warrants to make out new writs for the choice of members to serve in parliament, in the room of such members as shall die during the recess of parliament;" and also by another act passed in the 15th year of the reign of his present majesty, for explaining and amending the said act, and for enabling the speaker of the house of commons to make out new writs for the choice of members to serve in parliament, in the room of such members as shall, during the recess of parliament, become peers of *Great Britain*, and be summoned to parliament, and for other the purposes therein mentioned; several provisions were made for enabling the speaker of the house of commons to issue his warrants to the clerk of the crown to make out new writs for electing members of the house of commons, in the room of such members as should happen to die, or become peers of *Great Britain*, at the times, in the manner, and under the restrictions in the said several acts mentioned; and whereas the said acts have been found highly advantageous to the public, by causing speedy elections of members of the house of commons, and it is therefore expedient that the provisions therein contained should be further extended, and freed from certain of the restrictions in the said acts particularly specified, and also that some further provisions should be made for carrying the said powers into execution, in the cases of the death of the speaker of the house of commons for the time being, or of his seat in parliament becoming vacant, or of his absence out of the realm; and it would be also convenient that the provisions contained in the said two several acts of parliament, and of this act, should be reduced into one act of parliament, and that, for that purpose, those provisions contained in the said two several acts should be repealed; be it therefore enacted, &c. That from and after the passing of this act, the said act, passed in the 10th year of the reign of his present majesty, and also so much of the said act, passed in the 15th year of the reign of his present majesty, as enables the speaker of the house of commons to issue his warrants to make out new writs for the election of members to serve in parliament, shall be, and the same are hereby repealed.

10 *Geo.* 3. *c.* 41.

and 15 *Geo.* 3. *c.* 36.

The recited act of 10 *G.* 3. repealed; and part of 15 *G.* 3. *c.* 36.

amended 15 & 16 *G.* 3. *c.* 11.

ment; for remedy whereof be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that from and after the end of the present session of parliament it shall and may be lawful for the speaker of the house of commons for the time being during the recess of parliament, for more than twenty days, whether by prorogation or adjournment, and he is hereby required, to issue his warrants to the clerk of the crown to make out new writs for electing members of the house of commons, during such recess of parliament, upon such notice thereof, and in such manner, as is herein after provided, and not otherwise. When the death of such member shall have been certified to the speaker of

the speaker during recess above 20 days to issue warrants to crown clerk for new writs to elect members.

The death certified to the speaker by two members under their hands notice of the

Speaker to issue his warrant, during a recess, for making out writs for electing members in the room of those who shall die or become peers of *Great Britain*.

s. 2. And be it enacted, That, from and after the passing of this act, it shall and may be lawful for the speaker of the house of commons for the time being, during any recess of the said house, whether by prorogation or adjournment, and he is hereby required, to issue his warrant to the clerk of the crown, to make out a new writ for electing a member of the house of commons in the room of any member of the said house who shall happen to die, or who shall become a peer of *Great Britain*, either during the said recess, or previous thereto, as soon as he shall receive notice, by a certificate, under the hands of two members of the house of commons, of the death of such member, in the first case; and in the second case, that a writ of summons hath been issued, under the great seal of *Great Britain*, to summon such peer to parliament; which certificate may be in the form, or to the effect, comprised in the schedule hereunto annexed.

Certificates of vacancies to be notified in the *Gazette*.

3. Provided always, and be it enacted, That the speaker of the house of commons shall forthwith, after his receiving such certificate, cause notice thereof to be inserted in the *London Gazette*, and shall not issue his warrant until fourteen days after the insertion of such notice in the *Gazette*.

Certain restrictions on the speaker relative to issuing his warrant.

4. Provided also, That nothing herein contained shall extend to enable the speaker of the house of commons to issue his warrant for the purposes aforesaid, unless the return of the writ, (by virtue of which such member deceased, or become a peer of *Great Britain*, was elected) shall have been brought into the office of the clerk of the crown, fifteen days at the least before the end of the last sitting of the house of commons immediately preceding the time when such application shall be made to the speaker of the house of commons to issue such warrant as aforesaid, nor unless such application shall be made so long before the then next meeting of the house of commons for the despatch of business, as that the writ for the election may be issued before the day of such next meeting of the house of commons; nor in case such application shall be made with respect to any seat in the house of commons which shall have been vacated in either of the methods before mentioned, by any member of that house against whose election or return to serve in parliament a petition was depending at the time of the then last prorogation of parliament, or adjournment of the house of commons.

Speaker to authorize a certain number of members of the house of commons to execute the powers given to him by this act.

5. And whereas the due execution of this act may be prevented or impeded by the death of the speaker of the house of commons for the time being, or by his seat in parliament becoming vacant, or by his absence out of the realm, for which inconveniences it is expedient to provide a remedy; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the present speaker of the house of commons, and he is hereby required, within a convenient time after the passing of this act, and for every future speaker of the house of commons, and he is hereby required, within a convenient time after he shall be in that office, at the beginning of any parliament, by any instrument in writing under his hand and seal, to nominate and appoint a certain number of persons, not more than seven, nor less than three, members of the house of commons at the time being, thereby authorizing them, or any one of them, to execute all and singular the powers given to the speaker of the house of commons for the time being, for issuing such

the house of commons, for the time being, by any two members thereof by writing under their hands, the said speaker shall forthwith after the receipt of such certificate cause notice of the death of such member to be inserted in the *Dublin Gazette*; and at the end of fourteen days after the said insertion thereof in such *Gazette*, the day of such insertion excluded, the speaker shall forthwith issue his warrant in manner aforesaid, unless the said house of commons shall have met again after such prorogation or adjournment before the issuing thereof.

death in gazette forthwith, warrant in 14 days after unless a previous meeting.

s. 2. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend to authorize the speaker of the house of commons for the time being to issue his warrant to the clerk of the crown to

Return of the writ by which the deceased elected, brought to the hanaper 15 days before the

warrants as aforesaid, by virtue of this act, subject nevertheless to such regulations and exceptions as are herein also contained; which instrument of appointment and authority shall, notwithstanding the death of the speaker of the house of commons making and executing the same, or the vacating his seat in parliament, continue and remain in full force until the dissolution of the parliament in which it shall be made.

6. Provided always, and be it enacted, That whenever and as often as the said number of persons, so to be appointed as aforesaid, shall, by death, or by their seats in parliament being vacated, happen to be reduced to less than three, it shall and may be lawful for the speaker of the house of commons for the time being to make a new appointment in the manner herein before directed.

When such number shall be reduced to less than three, a new appointment to be made.

7. Provided also, That every such appointment shall be entered in the journals of the house of commons, and be also published once in the *London Gazette*; and the instrument of such appointment shall be preserved by the clerk of the house of commons, and a duplicate thereof shall be filed in the office of the clerk of the crown in chancery.

Appointments to be entered in the journals of the house, and published in the *Gazette*.

8. Provided also, That nothing in this act contained shall extend, or be construed to extend, to give any power or authority whatsoever to any person so to be nominated and appointed as aforesaid, except in the case of there being no speaker of the house of commons, or of his being absent out of the realm, nor for any longer time than such person, so to be appointed as aforesaid, shall continue a member of the house of commons, any thing herein contained to the contrary notwithstanding.

In what cases only such persons are impowered to act.

9. And be it enacted, That the publisher of the *Gazette* for the time being, when any such notice as aforesaid of the issuing of any such warrant shall be brought to him, signed by any person so appointed as aforesaid, shall give a receipt for the same, specifying the day and hour when the same was received; and in case more than one such notice shall be brought to him, relative to the same election, such publisher shall insert in the *Gazette* only the notice first received.

Publisher of the *Gazette* to give receipts for notices.

SCHEDULE.

WE whose names are underwritten, being two members of the house of commons, do hereby certify, That *M. P.* late a member of the said house, serving as one of the knights of the shire for the county of [*or as the case may be*] died upon the day of [*or* is become a peer of *Great Britain*], and that a writ of summons hath been issued, under the great seal of *Great Britain*, to summon him to parliament [*as the case may be*]; and we give you this notice, to the intent that you may issue your warrant to the clerk of the crown, to make out a new writ for the election of a knight to serve in parliament for the said county of [*or as the case may be*] in the room of the said *M. P.* Given under our hands, this day of

To the Speaker of the House of Commons.

Note—That in case there shall be no speaker of the house of commons, or of his absence out of the realm, such certificate may be addressed to any one of the persons appointed according to the directions of this act.

end of the session preceding; and no petition or question.

make out a new writ for the electing a new member of the house of commons in the room of any member deceased, unless the return of the writ, by virtue of which such member deceased was elected, shall have been brought to the office of the clerk of the hanaper fifteen days at the least before the end of the session of parliament immediately preceding the death of such member, and no petition shall have been preferred, or other question be depending in the house of commons touching the validity of such return, or of the election upon which the same was made.

No. 47.—11 Geo. III. Ir. c. 12.

An Act to regulate the Trials of Controverted Elections on returns of Members to serve in Parliament.

A.D. 1772.

Repealed by the 31 *Geo. III. Ir.* c. 36, which see.

No. 48.—13, 14 Geo. III. Ir. c. 15.

An Act, &c. (to make the 11 *Geo. III. Ir. c.* 12. perpetual.)

Repealed by the 31 *Geo. III. Ir. c.* 36.

No. 49.—13, 14 Geo. III. Ir. c. 35.

An Act to enable his Majesty's subjects of whatever persuasion to testify their allegiance to him.

A.D. 1773-4.

s. 1. "Whereas many of his majesty's subjects in this kingdom are desirous to testify their loyalty and allegiance to his majesty, and their abhorrence of certain doctrines imputed to them, and to remove jealousies which thereby have for a length of time subsisted between them and others his majesty's loyal subjects, but upon account of their religious tenets are by the laws now in being prevented from giving publick assurances of such allegiance, and of their real principles and good will and affection towards their fellow subjects: in order therefore to give such persons an opportunity of testifying their allegiance to his majesty, and good will towards the present constitution of this kingdom, and to promote peace and industry amongst the inhabitants thereof, be it enacted by the king's most excellent majesty by and with the advice and consent of the lords spiritual and temporal and commons in

this present parliament assembled, and by the authority of the same, that from and after the first day of *June*, one thousand seven hundred and seventy four, it shall and may be lawful for any person, professing the Popish religion, to go before the judges of his majesty's court of king's bench, any justice of the peace for the county in which he does or shall reside, or before any magistrate of any city or town corporate wherein he does or shall reside, or before any magistrate of any city or town corporate wherein he does or shall reside, and there take and subscribe the oath of allegiance and declaration herein after mentioned; which oath and declaration such judges of the king's bench, justices of the peace, and magistrates are hereby enabled and required to administer:

Papists may before B. R. a justice or magistrate where resident take and subscribe oath of allegiance and declaration herein.

"I *A. B.* do take Almighty God and his only Son Jesus Christ my Redeemer to witness, that I will be faithful and bear true allegiance to our most gracious sovereign lord King *George* the Third, and him will defend to the utmost of my power against all conspiracies and attempts whatever, that shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his majesty, and his heirs, all treasons and traiterous conspiracies, which may be formed against him or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power the succession of the crown in his majesty's family against any person or persons whatsoever; hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the stile and title of Prince of *Wales* in the lifetime of his father, and who since his death is said to have assumed the stile and title of King of *Great Britain* and *Ireland* by the name of *Charles* the Third, and to any other person claiming or pretending a right to the crown of these realms; and I do swear, that I do reject and detest as unchristian and impious to believe, that it is lawful to murder or destroy any person or persons whatsoever for or under pretence of their being heretics; and also that unchristian and impious principle, that no faith is to be kept with heretics; I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority of the see of *Rome*, or by any authority whatsoever, may be deposed or murdered by their subjects, or by any person whatsoever; and I do promise, that I will not hold, maintain, or abet, any such opinion, or any other opinion, contrary to what is expressed in this declaration; and I do declare, that I do not believe, that the pope of *Rome*, or any other foreign prince, prelate, state, or potentate hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm; and I do solemnly in the presence of God, and of his only Son Jesus Christ, my Redeemer, profess, testify, and declare, that I do make this declaration, and every part

thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the pope, or any authority of the see of *Rome*, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or authority whatsoever, shall dispense with or annul the same, or declare that it was null and void from the beginning. So help me God.

Yearly lists of such Papists returned to clerk of council in 21 days after 1st of December, specifying their quality, condition, title, and abode.

s. 2. "And be it enacted by the authority aforesaid, that the officer of the court of king's bench, justices of the peace, and magistrates of the city and towns corporate shall yearly within twenty one days after the first day of *December* return to the clerk of the privy council of this kingdom, or his deputy, a true and perfect list under his or their hand of every such Papist, as shall in the course of the preceding year have taken and subscribed such oath; in which list the quality, condition, title, and place of abode of such Papist shall be specified."

No 50.—15, 16 GEO. III. IR. c. 11.

An Act to explain and amend an act made in the eleventh year of the reign of his present Majesty, entitled, "*An Act to enable the Speaker of the House of Commons to issue his Warrants to make out New Writs for the choice of Members to serve in Parliament, in the room of such Members as shall die during the recess of Parliament,*" *and for enabling the Speaker of the House of Commons to make out New Writs for the choice of Members to serve in Parliament in the room of such Members, as shall, during the recess of Parliament, become Peers of* Ireland, *and be summoned to Parliament.* A.D. 1775-6.

11 *G.* 3. *c.* 10. recited,

s. 1. "WHEREAS by an act passed in the eleventh year of the reign of his present majesty, entitled, "*An act to enable the speaker of the house of commons to issue his warrants to make out new writs for the choice of members to serve in parliament, in the room of such members as shall die during the recess of parliament,*) the speaker of the house of commons is required to issue his warrant to the clerk of the crown to make out new writs in the room of members, who die during a recess of parliament for more than twenty days, whether by prorogation or adjournment, the deaths of such members having been certified in writing to him under the hands of two members of the house of commons, and fourteen days notice being first given by the speaker of the house of commons thereof, and of his intentions to issue such warrants, by inserting such notice in the *Dublin Gazette*: and whereas inconveniencies might arise, if such notice should be inserted in the *Dublin Gazette*, and such warrant should be issued by

the speaker of the house of commons, in the case of the death of a member which shall not be certified to the speaker of the house of commons so long before the actual meeting of the house of commons for the dispatch of business, as that the said notice may be inserted, and the fourteen days expired, before the said meeting of the house of commons, or in the case of the death of a member, against whose election or return a petition had been presented to the house of commons, and was depending at the time of such prorogation or adjournment: for preventing the same, be it enacted by the king's most excellent majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, that nothing in the said act contained extends, or shall be construed to extend, to require the speaker of the house of commons to insert notice in the *Dublin Gazette*, or issue his warrant to make out a new writ in the room of any member deceased, whose death shall not be duly certified to the speaker of the house of commons so long before the actual meeting of the house of commons for the dispatch of business, as that the speaker of the house of commons may be able to insert notice thereof, and of his intention to issue such warrant, fourteen days at the least before such meeting of the house of commons, or for the election of a member to serve in parliament for any county, city, borough, or place, in the room of any member deceased, against whose election or return for such county, city, borough or place, a petition had been presented to the house of commons, and was actually depending at the time of such prorogation or adjournment.

not to require speaker's notice in *Gazette* or warrant for new writ, where member's death not certified to him so as there may be fourteen days notice before actual meeting, and for election where petition depending at prorogation or adjournment.

s. 2. And whereas it would tend still further to promote the purposes of the said act, and to prevent those inconveniencies and disorders which may be occasioned for want of more speedy elections of members of the house of commons, if the provisions of the said act were extended to the cases of members, who shall become peers of *Ireland*: be it enacted by the authority aforesaid, that from and after the end of this present session of parliament it shall and may be lawful for the speaker of the house of commons for the time being during the recess of parliament for more than twenty days, whether by prorogation or adjournment, and he is hereby required, to issue his warrants to the clerk of the crown to make out new writs for electing members of the house of commons in the room of such members, as shall during such recess become peers of *Ireland*, as soon as he shall receive notice by a certificate under the hands of two members of the house of commons, that a writ of summons hath been issued under the great seal of *Ireland* to summon the said members to parliament.

Speaker during recess above twenty days shall issue warrants for new writs, on members becoming peers, and certificate by two of summons under G. seal.

s. 3. Provided that after the receipt of such certificate the like notice in the *Dublin Gazette* shall be given by the speaker, as is required in the case of members deceased; and such notice and warrant shall be subject and liable to the

Like notice and regulations as where members die during recess.

same exceptions and regulations, as are required by the said act and by this present act in the case of notices to be given, and warrants to be issued in the room of members dying during a recess."

No. 51.—15, 16 Geo. III. Ir. c. 16.

An Act for the better regulating the Elections of Members to serve in Parliament.

A.D. 1775–6.

Repealed by the 35 *Geo. III. Ir. c.* 29. *s.* 1.

No. 52.—17, 18 Geo. III. Ir. c. 26.

An Act to amend an act passed in the eleventh year of the reign of his present Majesty, intituled, "An Act to regulate the Trials of controverted Elections or returns of Members to serve in Parliament." A.D. 1777–8.

Repealed by the 31 *Geo. III. Ir. c.* 36.

No. 53.—19, 20 Geo. III. Ir. c. 25.

An Act to explain an Act entitled "An Act to prevent Frauds committed by Bankrupts." (*a*)

A.D. 1779–80.

On commission against a member, not superseded, and creditors proving debts not fully paid, within six months, or if debts disputed, bankrupt not entering into bond with sureties to pay sums recovered or established with costs, commissioners shall after

s. 9. "And whereas great inconveniencies may arise from members of the house of commons, against whom commissions of bankruptcy may hereafter issue and be awarded, continuing to hold their seats in parliament: be it enacted by the authority aforesaid, that in all cases where a commission of bankruptcy shall issue and be awarded against any such member or members, and shall not be superseded within six months from the time of issuing thereof, and the creditors proving their debts under the same shall not be paid or satisfied to the full amount thereof, under the said commission, within six months after the issuing of such commission or otherwise, with respect to such of the debts, (if any) as shall be disputed by such bankrupt or bankrupts, he or they shall not within the time

(*a*) 11, 12 *Geo.* 3. *Ir. c.* 8. These acts were temporary, but made perpetual by the 36 *Geo.* 3. *Ir. c.* 34, *s.* 3.
And see now the 52 *Geo.* 3. *c.* 144; *post.* App. Part IV.

aforesaid enter into a bond or bonds in such sum and sums, and with two sufficient sureties, as the said commissioners or the major part of them shall approve of, to pay such sum or sums as shall be recovered or established in any action, suit, or other proceeding in law or equity, concerning such debt, or debts, together with such costs as shall be given in the same, that then the commissioners, or the major part of them named in such commission, shall, and they are hereby required, immediately after the expiration of six months from the issuing of the said commission, to certify to the speaker of the house of commons, that such commission had issued, and was not superseded within the time aforesaid; and that the creditors proving their debts under the said commission were not paid or satisfied to the full amount thereof under the said commission within six months from the time of issuing thereof; and that such bond or bonds as herein before mentioned had not been entered into within that time, with respect to such of the debts, if any, as the bankrupt or bankrupts shall dispute, and thereupon the seat of such bankrupt or bankrupts shall be considered vacant in all respects, and the speaker shall issue his writ or writs to elect a member or members to serve in parliament in the place of such bankrupt or bankrupts; and such bankrupt or bankrupts, or any person against whom a commission of bankruptcy shall issue, shall from thenceforth be rendered incapable of being elected to serve in parliament, until his or their creditors shall be paid or satisfied the full amount of their several debts claimed and proved under the several commissions of bankruptcy, as shall issue against them."

the six months certify the same to the speaker,

bankrupt's seat thereupon vacant, speaker to issue writs to elect, bankrupts incapable of being elected 'till creditors paid, fully, debts proved under commission.

No. 54.—19, 20 GEO. III. IR. c. 29.

An Act for naturalizing such Foreign Merchants, Traders, Artificers, Artizans, Manufacturers, Workmen, Seamen, Farmers, and others, as shall settle in this Kingdom.

A.D. 1779–80.

s. 1. "WHEREAS the increase of people is a means of advancing the wealth and strength of any nation; and whereas many foreigners and strangers from the lenity of our government, the benefit of our laws, the advantages of our trade, the security of our property, and from the consideration of the plentifulness of all sorts of useful and profitable commodities with which this your majesty's kingdom of *Ireland* abounds, might be induced to settle in this kingdom, if they were made partakers of the advantages and privileges, which the natural born subjects of this realm do enjoy: be it enacted by the king's most excellent majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the

From 1st *September* next all foreigners, who settle here, and take following oath before chief magistrate, certified to chancery, deemed liege, free, and natural subjects in every respect, as if born here, while they reside.

same, That from and after the first day of *September* next, all foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others, who shall transport him, her, or themselves to settle in any part of this kingdom, shall after his, her, or their arrival within this kingdom, and after his, her, or their taking the following oath (or affirmation, if a quaker) before the chief magistrate of any city or town corporate in this kingdom for the time being who is hereby authorized to administer the said oath, and thereupon to certify his, her, or their doing thereof, unto his majesty's high court of Chancery there to remain on record, shall be deemed, adjudged, and reputed liege, free and natural subject or subjects of this kingdom in every respect, condition, and degree to all intents, constructions, and purposes, as if he, she, or they had been or were born within this kingdom; any law or statute to the contrary notwithstanding, whilst he, she, or they shall reside within this kingdom, *viz.*

[Here follows the oath of allegiance, abjuration, &c.] (*a*)

Not to serve in parliament, nor of privy council, nor office of trust.

s. 2. Provided always, that no person, naturalized by this act, shall be enabled to serve in the present or any future parliament, nor to be of his majesty's privy council, nor to hold any office of trust, civil or military in this kingdom.

Disturbance to said persons in working, buying, or selling, penalty 20*l.* on complaint before any justice, on oath, to informer and parish poor, levied by warrant and sale.

s. 3. And be it enacted by the authority aforesaid, that in case any person or persons shall give any interruption or disturbance to any merchant, trader, artificer, artizan, manufacturer, workman, seaman, farmer, or others aforesaid to the hindering him in his working, buying, or selling as aforesaid, contrary to the intent and meaning of this present act, every such person or persons shall for every such offence forfeit the sum of twenty pounds, to be recovered by complaint before any justice of the peace of this kingdom, (who is hereby empowered to examine and determine the same) on the oath of one or more credible witness or witnesses, which penalty shall be paid over, one moiety to the informer, and the other to the poor of the parish where such offence shall be committed, and to be levied by warrant under the hand and seal of such magistrate, and by sale of the offender's goods.

Such strangers freed from corporation or parish offices for 7 years.

s. 4. And for the greater encouragement of strangers to come and reside in this kingdom be it enacted by the authority aforesaid, that all such strangers, who shall come and settle in any corporation, town, city, or borough in this kingdom, shall be freed from being obliged to undergo any corporation or parish offices, for the term of seven years after their coming into this kingdom."

(*a*) See *ante* p. 73; the form in this act varies only in a few verbal particulars.

No. 55.—21, 22 GEO. III. IR. c. 10.

An Act to explain and amend an Act passed in the eleventh year of his present Majesty's reign, intituled, "An Act to regulate the Trials of Controverted Elections or Returns of Members to serve in Parliament." A.D. 1781–2.

REPEALED by the 31 *Geo. III. Ir. c.* 36.

No. 56.—21, 22 GEO. III. IR. c. 21.

An Act for the more effectually preventing the multiplying Votes at Elections of Members to serve in Parliament for Boroughs, where a right of Voting is vested in the Protestant Inhabitants in general, or Protestant Inhabitants and others. A.D. 1781–2.

REPEALED by the 35 *Geo. III. Ir. c.* 29, s. 1, "except such part or parts thereof as relate to the elections of chief magistrates, burgesses, and freemen, which said part and parts are to continue and remain in force of law as if this act had not been passed."—See s. 17 of the act.

No. 57.—21, 22 GEO. III. IR. c. 63.

An Act to explain and amend an Act passed this session of of Parliament, intituled, "An Act for the more effectually preventing the multiplying Votes at Elections of Members to serve in Parliament for Boroughs, where a right of Voting is vested in the Protestant Inhabitants in general, or Protestant Inhabitants and others." A.D. 1781–2

REPEALED by the 35 *Geo. III. Ir. c.* 29, s. 1.

No. 58.—23, 24 GEO. III. IR. c. 13.

An Act to amend an Act, entitled "An Act for preventing Bribery and Corruption in Elections for Members to serve in Parliament." A.D. 1783–4

REPEALED by the 35 GEO. III. IR. c. 29, s. 1.

No. 59.—23, 24 GEO. III. Ir. c. 38.

An Act for extending the Provisions of an Act passed in this Kingdom in the nineteenth and twentieth Years of his Majesty's Reign, entitled, *An Act for naturalizing such foreign Merchants, Traders, Artificers, Artizans, Manufacturers, Workmen, Seamen, Farmers, and others, as shall settle in this Kingdom.* A.D. 1783-4.

s. 1. "WHEREAS foreigners of all ranks may be induced to come and settle in this kingdom upon the happy restoration of peace, the advantage of an open commerce, and the blessings of a free constitution: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, all and every nobleman, gentleman, merchant, trader, artificer, manufacturer, seaman, farmer, or other of any sect, religion, or persuasion, born out of this kingdom, excepting persons professing the jewish religion, who are hereby excepted, any statute, law, or usage to the contrary notwithstanding, who shall at any time hereafter transport him, her, or themselves into this kingdom, with intent to abide and settle therein, shall from and after his, her, or their taking the oath herein after mentioned, or affirmation to the same effect if a quaker, be deemed, adjudged and reputed liege, free, and natural subject or subjects of this kingdom, to all intents, constructions and purposes whatsoever, as fully, effectually and beneficially, as if he, she, or they had been or were born within this kingdom.

19 and 20 G. 3, c. 29.

All foreigners of any sect (except Jews) coming to abide and settle, and who shall take the oath herein deemed natural subjects.

[Here follows the oath of allegiance, abjuration, &c.] (*a*)

s. 2. Provided always, That no persons so naturalized by this act, shall have power or be entitled to serve in the present or any future parliament, nor be of his majesty's most honourable privy council, nor be a peer of this realm, nor shall be entitled to hold any office of trust or profit, civil or military, unless he shall be a protestant, and shall have resided in this kingdom three years at one or different periods, from the day of passing this act.

Not entitled to be in parliament, &c.

unless a Protestant, and resident three years.

s. 3. Provided also, That no person so naturalized by this act, shall be entitled by virtue of such naturalization to vote in any election for the choice of any representative in parliament for any city, borough, county of a city, or town corporate, or in any election for the choice of any magistrate for any city, county of a city, borough, or town corporate, of which by virtue of this or any former act of naturalization he shall have been made free, unless he shall have obtained such right of voting, by such ways, means, and methods only as all other his majesty's subjects of this kingdom have hitherto, or shall hereafter obtain the same, any thing in this act to the contrary notwithstanding."

Not to vote for members or magistrates,

unless such right obtained as by other subjects.

(*a*) See *ante* p. 73, and p. 78, n.

No. 60.—23, 24 GEO. III. c. 49.
A.D. 1783-4.

s. 9. of this act, enables bishops, where endowments are granted for perpetual cures, appointed part of the lands, as a perpetual glebe, for a master of a free-school and sexton of the parish.

" Provided that no such master of a free-school, or sexton, shall be qualified to vote at the election of any member to serve in parliament, as a freeholder, by virtue of such grant." Schoolmaster or sexton when not qualified.

No. 61.—25 GEO. III. IR. c. 52.

An Act for the more effectually registering of Freeholders.
A.D. 1785.

REPEALED by the 35 *Geo. III. c.* 29, s. 1.

No. 62.—26 GEO. III. IR. c. 22.

An Act to suspend An Act for the more effectually registering of Freeholders.
A.D. 1786.

REPEALED by the 35 *Geo. III. Ir. c.* 29, s. 1.

No. 63.—26 GEO. III. IR. c. 23.

An Act for amending the several Laws relative to the registering of Freeholders.
A.D. 1786.

REPEALED by the 35 *Geo. III. Ir. c.* 29, s. 1.

No. 64.—28 GEO. III. IR. c. 33.

An Act for the further amendment of the Law relative to the registering of Freeholders.
A.D. 1788.

REPEALED by the 35 *Geo. III. Ir. c.* 29, s. 1.

No. 65.—29 Geo. III. Ir. c. 29.

An Act to continue the effect of an Act, entitled, "An Act for the further amendment of the Law relative to the registering of Freeholders. A.D. 1789.

Repealed by the 35 *Geo. III. Ir. c.* 29, s. 1.

No. 66.—30 Geo. III. Ir. c. 17.

A.D. 1790.

[A similar act, similarly repealed.]

No. 67.—30 Geo. III. Ir. c. 20.

An Act for the better enabling the Royal Canal Company(*a*) *to carry on and complete* the Royal Canal *from the City of* Dublin *to* Tarmonbury, *on the river* Shannon.

A.D. 1790.

The company are empowered (s. 9.) to purchase lands besides those to be used for the navigation, not exceeding the value of £500 a-year, and to alien or demise the same.

Tenants, &c. of the *Royal Canal* Company disqualified.

s. 10. "Provided always, and be it enacted, that, it shall not be lawful for any member or members of the said company, or any person whatever, to vote at an election of any member or members of Parliament, for any city, county, or borough within this kingdom, in right of any estate or interest in any lands, tenements, or hereditaments, which may be purchased or acquired by the said company, by virtue of, or in pursuance of any of the powers by this act vested in the said company; and that no person whatever shall, by virtue or in right of any grant, lease, or demise whatever, made to him by the said company of any such lands, tenements, or hereditaments, or of any estate or interest therein, derived mediately or immediately under the said company, have or acquire any right whatever, to vote as an elector on any such election as aforesaid, any thing in this act contained notwithstanding."

(*a*) See the 43 *Geo.* 3. (Publ. L. P.) cxxii.; and the 58 *Geo.* 3. c. 35.

No. 68.—31 GEO. III. IR. c. 36.

An Act to amend and consolidate the several Acts relating to the Trials of Controverted Elections, or Returns of Members to serve in Parliament. (*a*)

A.D. 1791.

No. 69.—32 GEO. III. IR. c. 21.

An Act to remove certain Restraints and Disabilities therein mentioned, to which his Majesty's subjects professing the Popish Religion are now subject. A.D. 1792.

s. 9. repeals the 9 *Will. III. Ir. c.* 3, to prevent Protestants intermarrying with Papists; by which the husband was disqualified from sitting in either house.

No. 70.—33 GEO. III. IR. c. 21.

An Act for the relief of His Majesty's Popish or Roman Catholic Subjects of Ireland.

Preamble,

s. 1. "WHEREAS various acts of parliament have been passed, imposing on his majesty's subjects professing the popish or Roman Catholic religion, many restraints and disabilities, to which other subjects of this realm are not liable; and from the peaceable and loyal demeanor of his majesty's popish, or Roman Catholic subjects, it is fit that such restraints and disabilities shall be discontinued: Be it therefore enacted, that his majesty's subjects being papists, or persons professing the popish or Roman Catholic religion, or married to papists, or persons professing the popish or Roman Catholic religion, or educating any of their children in that religion, shall not be liable or subject to any penalties, forfeitures, disabilities, or incapacities, or to any laws for the limitation, charging or discovering of their estates and property, real or personal, or touching the acquiring of property, or securities affecting property, save such as his majesty's subjects of the Protestant religion are liable and subject to; and that such parts of all

his majesty's subjects professing the Roman catholic religion, or married to papists, or educating their children in that religion, not liable to penalties or incapacities, &c. or to laws for limitation, &c. of their estates and pro-

(*a*) By the 41 *Geo.* 3. c. 101, temporary provisions were made for this purpose, and by the 42 *Geo.* 3. c. 106, permanent provisions were made, extending all regulations prescribed by the *British* acts in force at the union to all parts of the united kingdom. But by the 9 *Geo.* 4. c. 22, all *those* acts were repealed, and new provisions made. And though the 31 *Geo.* 3. *Ir.* has not been expressly repealed, yet it must now be taken to be altogether superseded.

perty, &c. save such as protestants are subject to; such parts of oaths as purport to deny that the person taking the same is a papist, or married to a papist, &c. not to be taken by a voter at elections, &c. to be omitted; oaths of allegiance and abjuration not necessary at or previous to voting.

oaths as are required to be taken by persons in order to qualify themselves for voting at elections of members to serve in parliament, and also such parts of all oaths required to be taken by persons voting at elections for members to serve in parliament, as import to deny that the person taking the same is a papist or married to a papist, or educates his children in the popish religion, shall not hereafter be required to be taken by any voter, but shall be omitted by the person administering the same; and that it shall not be necessary, in order to entitle a papist, or person professing the popish or Roman Catholic religion to vote at an election of members to serve in parliament, that he should at, or previous to his voting, take the oaths of allegiance and abjuration, any statute now in force to the contrary of any of the said matters in any wise notwithstanding.

Roman Catholics claiming a right to vote, to perform all qualifications, &c. as Protestants in like cases, save as herein before excepted.

s. 2. Provided always, and be it further enacted, that all papists, or persons professing the popish, or Roman Catholic religion, who may claim to have a right of voting for members to serve in parliament, or of voting for magistrates in any city, town-corporate, or borough, within this kingdom, be hereby required to perform all qualifications, registries, and other requisites, which are now required of his majesty's Protestant subjects, in like cases, by any law or laws now of force in this kingdom, save and except such oaths and parts of oaths as are herein before excepted.

Not to extend to repeal or alter any law requiring qualifications from persons in trust under his majesty, &c. save as herein.

s. 3. And provided always, That nothing herein before contained shall extend, or be construed to extend to repeal, or alter any law or act of parliament now in force, by which certain qualifications are required to be performed by persons enjoying any offices or places of trust under his majesty, his heirs and successors, other than as herein after is enacted.

Roman Catholics may hold civil and military offices or places of trust under his majesty; may take degrees or professorships, or be fellows of any college to be hereafter founded, provided such college be a member of the university of *Dublin*, &c.

s. 7. And be it enacted, That it shall and may be lawful for Papists, or persons professing the Popish or Roman Catholic religion, to hold, exercise, and enjoy all civil and military offices, or places of trust or profit under his majesty, his heirs, and successors, in this kingdom; and to hold or take degrees, or any professorship in, or be masters, or fellows of any college, to be hereafter founded in this kingdom, provided that such college shall be a member of the university of *Dublin*, and shall not be founded exclusively for the education of Papists, or persons professing the Popish or Roman Catholick religion, nor consist exclusively of masters, fellows, or other persons to be named or elected on the foundation of such college, being persons professing the Popish or Roman Catholic religion, or to hold any office or place of trust, in, and to be a member of any lay-body corporate, except the college of the holy and undivided Trinity of queen *Elizabeth*, near *Dublin*, without taking and subscribing the oaths of allegiance, supremacy, or abjuration, or making or subscribing the declaration required to be taken, made, and subscribed, to enable any person to hold and enjoy any of such places, and without receiving the sacrament of the Lord's

Roman Catholic may be a member of any lay body corporate, except Trinity College, without taking the oath of allegiance,

supper, according to the rights and ceremonies of the Church of *Ireland*, any law, statute, or bye-law of any corporation to the contrary notwithstanding; provided that every such person shall take and subscribe the oath appointed by the said act passed in the thirteenth and fourteenth years of his majesty's reign, entitled, *An act to enable his majesty's subjects of whatever persuasion, to testify their allegiance to him*; and also the oath and declaration following, that is to say:

&c. or subscribing declaration, or receiving sacrament, &c.

I, *A. B.* do hereby declare, that I do profess the Roman Catholic religion.

The oath.

I, *A. B.* do swear, that I do abjure, condemn, and detest as unchristian and impious, the principle that it is lawful to murder, destroy, or any ways injure any person whatsoever, for or under the pretence of being an heretick; and I do declare solemnly before God, that I believe, that no act in itself unjust, immoral, or wicked, can ever be justified or excused by, or under pretence, or colour, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is not an article of the Catholic faith, neither am I thereby required to believe or profess that the Pope is infallible, or that I am bound to obey any order in its own nature immoral, though the Pope or any ecclesiastical power should issue or direct such order, but on the contrary, I hold, that it would be sinful in me to pay any respect or obedience thereto; I further declare, that I do not believe that any sin whatsoever, committed by me, can be forgiven at the mere will of any pope, or of any priest, or of any person or persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament; and I do swear that I will defend to the utmost of my power, the settlement and arrangement of property in this country as established by the laws now in being; I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment for the purpose of substituting a Catholic establishment in its stead; and I do solemnly swear, that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion and Protestant government in this kingdom.

So help me God.

s. 9. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend to enable any person to sit or vote in either house of parliament, or to hold, exercise, or enjoy the office of lord lieutenant, lord deputy, or other chief governor or governors of this kingdom, lord high chancellor or keeper, or commissioner of the great seal of this kingdom, lord high treasurer, chancellor of the exchequer, chief justice of the court of king's bench,

No person to sit or vote in parliament, or hold the offices herein, or any office contrary to the rules and orders made by the lord lieutenant and council, in pursuance of the act of 17

and 13 *C.* 2, unless he take and subscribe the oath, &c. as herein;

or common pleas, lord chief baron of the court of exchequer, justice of the court of king's bench or common pleas, or baron of the court of exchequer, judge of the high court of admiralty, master or keeper of the rolls, secretary of state, keeper of the privy seal, vice-treasurer, or deputy vice-treasurer, teller and cashier of the exchequer, or auditor-general, lieutenant or governor, or *custos rotulorum* of counties, secretary to the lord lieutenant, lord deputy, or other chief governor or governors of this kingdom, member of his majesty's most honourable privy council, prime serjeant, attorney-general, solicitor-general, second and third serjeants at law, or king's council, masters in chancery, provost, or fellow of the college of the holy and undivided *Trinity* of queen *Elizabeth*, near *Dublin*; postmaster-general, master and lieutenant-general of his majesty's ordnance, commander in chief of his majesty's forces, generals on the staff, and sheriffs, and sub-sheriffs of any county in this kingdom; or any office contrary to the rules, orders and directions made and established by the lord lieutenant and council, in pursuance of the act passed in the seventeenth and eighteenth years of the reign of king *Charles* the Second, entitled, *An act for the explaining of some doubts arising upon an act*, entitled, *An act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of* Ireland, *and satisfaction of the several interests of adventurers, soldiers, and other his subjects there, and for making some alterations of, and additions unto the said act, for the more speedy and effectual settlement of this kingdom*, unless he shall have taken, made and subscribed the oaths and declaration, and performed the several requisites which by any law heretofore made, and now of force, are required to enable any person to sit or vote, or to hold, exercise, and enjoy the said offices respectively.

offices;

recital of 17 and 18 *C.* 2.

After 1st *June* 1793, oaths of allegiance and abjuration only, necessary on taking degrees in Trinity college.

s. 13. And whereas it may be expedient, in case his majesty, his heirs and successors, shall be pleased so to alter the statutes of the college of the Holy and Undivided Trinity near *Dublin*, and of the university of *Dublin*, as to enable persons professing the Roman Catholic religion, to enter into or to take degrees in the said university, to remove any obstacle which now exists by statute law; be it enacted, That from and after the first day of *June*, one thousand seven hundred and ninety-three, it shall not be necessary for any person, upon taking any of the degrees usually conferred by the said university, to make or subscribe any declaration, or to take any oath, save the oaths of allegiance and abjuration, any law or statute to the contrary notwithstanding.

No benefit under this act, unless the oath and declaration be made and subscribed, and also the oath appointed by 13 and 14 *G* 3, as herein.

s. 14. Provided always, That no Papist or Roman Catholic, or person professing the Roman Catholic or Popish religion, shall take any benefit by or under this act, unless he shall have first taken and subscribed the oath and declaration in this act contained and set forth, and also the said oath appointed by the said act passed in the thirteenth and fourteenth years of his majesty's reign, intituled, '*An Act to*

enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him,' in some one of his majesty's four courts, in *Dublin*, or at the general sessions of the peace, or at any adjournment thereof to be holden for the county, city, or borough, wherein such Papist, or Roman Catholic, or person professing the Roman Catholic or Popish religion, doth inhabit or dwell, or before the going judge or judges of assize, in the county wherein such Papist or Roman Catholic, or person professing the Roman Catholic or Popish religion, doth inhabit and dwell, in open court.

Names to be inserted on rolls;

s. 15. Provided always, and be it enacted, That the names of such persons as shall so take and subscribe the said oaths and declaration, with their titles and additions, shall be entered upon the rolls for that purpose to be appointed by said respective courts; and that the said rolls, once in every year, shall be transmitted to and deposited in the Rolls' Office in this kingdom, to remain amongst the records thereof; and the masters or keepers of the rolls in this kingdom, or their lawful deputy or deputies, are hereby empowered and required to give and deliver to such person or persons so taking and subscribing the said oaths and declaration, a certificate or certificates of such person or persons having taken and subscribed the said oaths and declaration, for each of which certificates the sum of one shilling, and no more, shall be paid.

rolls to be transmitted to rolls office;

masters of rolls, &c. to give certificates as herein;

fee, 1s.

From 1st *April*, no freeholder, &c. being a Roman catholic, capable of giving his vote for electing a member to serve in parliament, until he has produced certificate as herein

s. 16. And be it further provided and enacted, That from and after the first day of *April*, one thousand seven hundred and ninety-three, no freeholder, burgess, freeman, or inhabitant of this kingdom, being a Papist or Roman Catholic, or person professing the Roman Catholic or Popish religion, shall at any time, be capable of giving his vote for the electing of any knight or knights of any shire or county within this kingdom, or citizen or burgess to serve in any parliament, until he shall have produced and shown to the high sheriff of the said county, or his deputy or deputies, at any election of a knight or knights of the said shire, and to the respective chief officer or officers of any city, borough, or town-corporate, to whom the return of any citizen or burgess to serve in parliament, doth or shall respectively belong, at the election of any citizen or burgess to serve in parliament, such certificate of his having taken and subscribed the said oaths and declaration, either from the Rolls' Office, or from the proper officer of the court in which the said oaths and declaration shall be taken and subscribed; and such person being a freeholder, freeman, burgess, or inhabitant, so producing and shewing such certificate, shall be then permitted to vote as amply and fully as any Protestant freeholder, freeman, burgess, or inhabitant of such county, city, borough, or town corporate, but not otherwise.

No. 71.—33 Geo. III. c. 34.

An Act for the Support of the Honour and Dignity of His Majesty's Crown in Ireland, *and for granting to His Majesty a Civil List Establishment, under certain Provisions and Regulations.* A.D. 1793.

All works carried on at the public expense, to be under the controul of board of works; lord lieutenant to appoint an architect to superintend public buildings; such person not to sit in parliament.

s. 21. "And be it enacted and declared, That all public buildings or works of any kind whatsoever, carried on solely at the public expence, shall be hereafter in the execution of the same, under the sole management, inspection, and controul of his majesty's board of works, and to provide for the due and faithful execution of the work, the lord lieutenant as soon as conveniently may be after the passing of this act, shall appoint by warrant, an architect or inspector of civil buildings, (he being *bona fide* an architect or builder,) who shall superintend the execution of all public works, under the direction of the commissioners of the board of works, and who is hereby declared, and shall be incapable of sitting or voting in parliament."

No. 72.—33 Geo. III. Ir. c. 37.

An Act for continuing and amending the several Laws relating to His Majesty's Revenue, and for more effectually preventing Frauds therein. A.D. 1793.

Grant of lands for light-houses, &c. for the revenue.

[This act, s. 2. &c., enables the commissioners of the revenue to take by deed, lease, or inquisition, for any term of years, lands not exceeding one acre, &c. in the king's name, or as they shall appoint, for building light-houses, watch-houses, and other accommodations for the business of the revenue.]

If such land be as herein described, no more than absolutely necessary shall be demised.

s. 3. "Provided always, That if such land be any part of any fair-green, or market place, or within the precincts of any city, town corporate, borough or manor, having a right to return citizens or burgesses to parliament; or of any quay, pier, or dock; or any part of any town or village actually built upon; or any part of a demesne, or of any lawn, garden, orchard, yard, planted walk, or avenue to a house, or of any park or paddock for deer, not more of such land shall be demised than is absolutely necessary for such light-houses, or watch-houses to stand or be erected on.

Persons inhabiting such light houses, &c. not to acquire a right of voting thereby.

s. 4. Provided always, That no officer or officers, or other person or persons residing in, or inhabiting such light-house or light-houses, watch-house or watch-houses, shall have, acquire, or exercise, any right of voting for members to serve in parliament, for or by reason of such inhabiting or residence.

No. 73—33 GEO. III. IR. c. 41.

An Act for securing the Freedom and Independence of the House of Commons, by excluding therefrom persons holding any Offices under the Crown, to be hereafter created, or holding certain Offices therein enumerated, or Pensions for Terms of Years, or during His Majesty's pleasure. A.D. 1793.

s. 1. FOR the better preserving the constitution and freedom of parliament; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that no person who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any office or place of profit under the crown, at any time after the passing of this act, created or erected, nor any person having any pension from the crown during pleasure, or for a term of years; nor any person whose wife shall have any pension from the crown during pleasure, or for a term of years; nor any surveyor-general in the revenue, nor any collector in the revenue appointed by the commissioners of customs or excise, save only the collectors of the customs and excise in the port of *Dublin*, and in the county of, and city of *Dublin*; nor any of the secretaries to the commissioners of customs, to the excise, to the commissioners of accounts, to the commissioners of the barracks, to post-office, or to the board of ordnance; nor the paymaster of bounties on corn coming coastways to the city of *Dublin*, shall be capable of being elected a member of the house of commons in this present parliament, or of being elected, or of sitting and voting as a member of the house of commons, in any parliament which shall be hereafter summoned and holden.

No person who shall have a place of profit, created after this act, or having a pension for years, or during pleasure, or whose wife shall have such; nor any surveyor general, nor collector of revenue, except in *Dublin*; nor secretaries to the different commissioners herein mentioned. nor paymaster of corn bounties, coastways, shall be elected a member of paliament.

s. 2. And be it further enacted, that if any office under the crown, hath been abolished or disused for the space of five years, before the passing of this act, shall be re-established, or if any additional salary exceeding one hundred pounds *per annum*, shall after the passing of this act, be added to the salary of any office, or if a salary of one hundred pounds *per annum*, shall be granted to any office to which no salary is now granted, every such office shall be deemed a new office, within the true intent and meaning of this act.

Offices revived after five years disuse, or 100*l.* a year added to salary, deemed new offices.

s. 3. Provided always, That if his majesty shall think fit to grant the office of high treasurer of Ireland, to be executed by commissioners, it shall and may be lawful for such commissioners, and for the secretary of such commissioners, to be elected members of, and to sit and vote in the house of commons.

If his Majesty appoints commissioners of treasury, they and their secretary may be elected members.

s. 4. Provided also, and be it enacted, That if any person being chosen a member of the house of commons shall, after the thirty-first day of *December*, one thousand seven hun-

Members who after 31st *Dec.* 1793, accept offices of profit,

shall vacate their seats.

dred and ninety-three, accept any office of profit from the crown, during such time as he shall continue a member, his seat shall thereupon become vacant, and a writ shall issue for a new election.

Such persons may be re-elected.

s. 5. Provided nevertheless, that such person shall be capable of being again elected to be a member of the house of commons, for the place for which he had been a member, or any other place sending members to the house of commons.

No additional commissioners to be appointed.

s. 6. Provided also, and be it enacted, That in order to prevent for the future, too great a number of commissioners being appointed or constituted for the execution of any office, no greater number of commissioners shall be made or constituted for the execution of any office, than have been employed in the execution of such office, at some time before the first day of the present parliament.

King may appoint commissioners of treasury.

s. 7. Provided always, That it shall and may be lawful for his majesty, his heirs and successors, to appoint commissioners for the purpose of executing the office of high treasurer of this kingdom.

Not to extend to officers in army, militia, or navy, &c.

s. 8. Provided always, That nothing herein contained shall extend, or be construed to extend to any member of the house of commons being an officer in his majesty's army, militia, or navy, or who shall receive any new or other commission or warrant in the army or navy respectively; nor to any person having or accepting an office for life, or during good behaviour.

Elections of persons hereby deemed incapable, shall be void, and such persons presuming to sit or vote, forfeit 500*l.* to persons suing.

s. 9. And be it further enacted, That if any person hereby disabled or declared incapable of sitting or voting in the house of commons, shall nevertheless be returned as a member to serve for any county, city, borough, town, or place in parliament, such election and return are hereby declared to be void, to all intents and purposes; and if any person so hereafter returned, and disabled or incapable by this act to be elected, shall presume to sit or vote as a member of the house of commons, such person so sitting or voting shall forfeit the sum of five hundred pounds, to be recovered by such person as shall sue for the same, in any of his majesty's courts of record in *Dublin*, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed, and only one imparlance.

Persons who shall be appointed to places of 200*l.* a year, hereafter created, shall swear they are not for members of parliament.

s. 10. And be it further enacted, That from and after the passing of this act, it shall not be lawful for any person who shall be appointed to any civil office, or place of profit under the crown, the salary and perquisites of which shall amount to two hundred pounds a year, which shall be hereafter created or erected, to execute the duties, or receive the salary or profits of such office, until he shall have taken before a baron of the court of exchequer, the oath following to wit:

Oath.

I, *A. B.* do swear, that I have not accepted, and will not hold the office of in trust, or for the use or benefit, directly or indirectly, of any member of the house of commons. So help me God.

s. 11. And be it further enacted, That from and after the passing of this act, every person who shall be elected a member of the house of commons, shall at the time he takes his seat in the said house, take and subscribe the oath following, to wit:

Oath to be taken by members on taking their seats.

I, *A. B.* do swear, that I do not hold in my own name, or in the name of any person in trust for me, or for my benefit, any pension for years, or during his majesty's pleasure, or any office or place of profit under the crown, which is rendered by act of parliament incompatible with the holding a seat in the house of commons.

No. 74.—35 GEO. III. IR. c. 28.

An Act for the better Regulation of the Receipts and Issues of his Majesty's Treasury, and for repealing an Act of Parliament passed in the tenth year of Henry *the Seventh, entitled, An Act authorizing the Treasurer to make all Officers as the Treasurer of* England *doth.*(*a*)

A.D. 1795.

Office of receiver and paymaster-general abolished.

s. 2. AND be it enacted, That the office of receiver-general and paymaster-general of his majesty's revenues, profits, and casualties in this kingdom, shall cease, be suppressed, and utterly abolished.

His majesty may appoint a receiver-general of all duties collected under the commissioners of customs and excise, together with a yearly salary of 1000*l.*

s. 5. And be it enacted, That from and after the passing of this act, it shall and may be lawful for his majesty, his heirs and successors from time to time, by letters patent under the great seal of this kingdom, to appoint a receiver-general of all duties, aids, revenues, and taxes collected and levied under the authority and direction of the commissioner of customs and excise, together with a yearly salary not exceeding one thousand pounds, to be paid to such person as a reward for executing the said office; and every person who shall be so appointed, shall hold his said office during his majesty's pleasure, and shall keep his office at his majesty's custom-house of the city of *Dublin*, where the business thereof shall be transacted.

Receiver-general not incapacitated from sitting in parliament.

s. 6. And be it enacted, That the office of receiver-general, to be exercised pursuant to the provisions of this act, shall be deemed an old office, and shall not incapacitate the person holding the same from sitting in parliament, any law or statute to the contrary notwithstanding.

(*a*) See the 56 *Geo.* 3. *c.* 98.

No. 75.—35 Geo. III. c. 29.

An Act for Regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned. (*a*) A.D. 1795.

Preamble.

s. 1. "Whereas the laws for regulating the election and return of members to serve in parliament, have been found inadequate to the purposes intended: be it therefore enacted, That from and after the first day of *June*, which will be in the year 1795, an act passed in the second year of the reign of King *George* the First, intituled, '*An Act for the more effectual preventing fraudulent conveyances in order to multiply votes for electing members to serve in parliament, and for preventing the irregular proceedings of sheriffs and other officers in electing and returning such members,*' except such part thereof as relates to the new election of an alderman or burgess of a corporation upon death, removal, or resignation; and also an act passed in the first year of the reign of his late majesty King *George* the Second, intituled, '*An Act for the further regulating the election of members of parliament, and preventing the irregular proceedings of sheriffs and other officers, in electing and returning such members,*' except so much thereof as relates to the new election of an alderman or burgess of a corporation upon death, removal, or resignation; and also an act passed in the nineteenth year of the reign of his late majesty King *George* the Second, intituled, '*An Act for better regulating elections of members to serve in parliament*;' and also so much of an act passed in the twenty-first year of the reign of his said late majesty King *George* the Second, intituled, '*An Act to amend and make more effectual an act, entitled, An Act for better regulating elections of members to serve in parliament, and for the more effectual quieting of corporations and securing the right of persons who have been or shall be elected into the offices of aldermen and burgesses within any corporation of this kingdom,*' as relates to the election of members to serve in parliament, and also an act passed in the third year of the reign of his present majesty, intituled, '*An Act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament, and the magistrates of cities, boroughs, and towns corporate;*' and also an act passed in the fifteenth and sixteenth years of the reign of his present majesty, intituled, '*An Act for better regulating the elections of members to serve in parliament*; and also so much of an act passed in the twenty-first and twenty-second years of the reign of his present majesty, intituled, '*An Act*

From 1st *June*, 1795, 2 *Geo.* 1, *c.* 19, except such part as relates to election of an alderman or burgess;

and 1 *Geo.* 2, c. 9.

and 19 *Geo.* 2, *c.* 11.

and so much of 21 *G.* 2, *c.* 10, as relates to elections of members;

and 3 *Geo.* 3, *c.* 13.

and 15 and 16 *Geo.* 3. *c.* 16.

and so much of 21 and 22 *Geo.* 3. *c.* 21.

(*a*) So much of this act as relates to elections of members for *counties* of *cities* and *counties of towns*, is expressly repealed by the 4 *Geo.* 4. *c.* 55.

for the more effectually preventing the multiplying votes at elections of members to serve in parliament for boroughs where a right of voting is vested in the Protestant inhabitants in general, or Protestant inhabitants and others, as relates to the election of members to serve in parliament, except such part or parts thereof as relate to the elections of chief magistrates, burgesses, and freemen, which said part and parts are to continue and remain in force of law, as if this act had not been passed; and also an act passed in the twenty-first and twenty second years of the reign of his present majesty, intituled, '*An Act to explain and amend an act passed this session of parliament, entitled, An Act for the more effectually preventing the multiplying of votes at elections of members to serve in parliament for boroughs where the right of voting is vested in the Protestant inhabitants in general, or Protestant inhabitants and others*;' and also an act passed in the twenty-third and twenty-fourth years of the reign of his present majesty, intituled, '*An Act to amend an act,* intituled *An act for preventing bribery and corruption in elections for members to serve in parliament*;' and also an act passed in the twenty-fifth year of the reign of his present majesty, intituled, '*An act for the more effectually registering of freeholders*;' and also an act passed in the twenty-sixth year of the reign of his present majesty, intituled, '*An act to suspend, for a limited time, the operation of an act passed last session of parliament,* intituled, '*An act for the more effectually registering of freeholders, so far as the same shall affect the election of members to serve in parliament*;' and also an act passed in the twenty-sixth year of the reign of his present majesty, intituled, '*An act for amending the several laws relative to the registering of freeholders*;' and also an act passed in the twenty-eighth year of the reign of his present majesty, intituled, '*An act for the further amendment of the law relative to the registering of freeholders*;' and also an act passed in the twenty-ninth year of the reign of his present majesty, intituled, '*An act to continue the effect of an act,* intituled, '*An act for the further amendment of the law relative to the registering of freeholders*;' and also an act passed in the thirtieth year of the reign of his present majesty, intituled, '*An act to continue the effect of an act,* intituled, '*An act for the further amendment of the law relative to the registering of freeholders,*' shall be repealed to all intents and purposes whatsoever, except so far as relates to any person who may offer to vote at any election for a member or members to serve in parliament, the test of the writ for holding of which shall bear date before the first day of *January*, one thousand seven hundred and ninety-seven, or to the powers or conduct of the returning officer, or any deputy, in respect to any such person or persons, and the oath or oaths to be administered to him.

as relates to the election of members, except as herein; and 21 and 22 *Geo.* 3. *c.* 63. and 23 and 24 *Geo.* 3. *c.* 13. and 25 *Geo.* 3. *c.* 52. and 26 *Geo.* 3. *c.* 22. and 26 *Geo.* 3. *c.* 23. and 28 *Geo.* 3. *c.* 33. and 29 *Geo.* 3. *c.* 29. and 30 *G.* 3. *c.* 17. repealed, except as herein.

s. 2. And be it further enacted, That every election to be made of a knight or knights of a shire to serve in parliament for any county in this kingdom, shall be holden at the place

Elections of knight of a shire where assizes

were last held; in county of *Dublin* where session of peace;

where the assizes for such county, and in the county of *Dublin*, where the sessions of the peace for the said county were last held previous to such election, on such day as the sheriff shall appoint, not sooner than ten nor later than twenty days after he shall have received the writ for holding the same; and that the sheriff shall then and there proceed to election, and shall not adjourn to any other town or place, nor without the consent of all the candidates, longer than from day to day, unless a *Sunday* shall intervene, and then only from *Saturday* to the next *Monday*, and shall duly and orderly, and without delay, proceed in taking of the poll from day to day, until all the freeholders who shall there present themselves shall be polled; and every sheriff shall cause to be affixed on the door of the county court-house, *public notice*, signed by himself, of the day for holding the election, *ten days at the least* preceding such day.

how sheriff shall hold and adjourn election.

When and to whom the sheriff shall issue his precept; duty of officer to whom the precept shall be issued. See 1 *G.* 4. *c.* 11, *s.* 5.

3. And be it further enacted, That the sheriff of every county shall, *within four days after he shall receive the writ* for the election of any members to serve in parliament, for any place or places within his county, issue his precept or precepts, and cause the same to be delivered to such acting magistrate or magistrates, officer or officers of such place or places as made the last return of members to serve in parliament for the same, be he mayor, sovereign, portrieve, provost, burgomaster, bailiff, or seneschal, and to no other person; and such magistrate or officer shall hold the election thereupon within twenty days from the day of his receiving the precept, having in the usual *public place* in such borough caused to be affixed *notice under his hand*, of the time and place of holding such election, *four days at the least* preceding the day of such election, and such sheriff shall accept the return of every such precept from such magistrate and officer only to whom he shall have so directed such precept respectively.

When the sheriff of a city or town shall hold election. See 4 *Geo.* 4. *c.* 55. *s.* 30.

s. 4. And be it further enacted, That the sheriff or sheriffs of a city or town, *being a county in itself*, shall hold the election for such city or town *within twenty days* from the day of receiving the writ, having in the usual place of such city or town caused to be affixed notice, under his or their hand, of the time and place of holding such election, ten days at the least preceding the day of the election.

Where sheriff apprehends a contest, or where candidate requires, as herein, as many places shall be erected or hired, as there are baronies or half baronies, with a clerk and deputy to each, at one guinea *per* day, paid by all candidates. See 2, 3 *Wil.* 4. *c.* 88, *ss.* 48 *to* 53.

s. 5. And be it further enacted, That in case the sheriff of any county shall have reason to apprehend a contest at any election to be held by him, or in case any candidate for such county shall, *three days* at the least previous to the day appointed for holding an election, *by writing under his hand*, require the sheriff, such sheriff shall cause to be erected, on some convenient place in or near the session-house, or place where he shall hold such election, though such place should happen to be in the county of a town or city, so many booths, or hire so many buildings as, together with the county court-house, shall make up so many separate places for taking the poll, as there are baronies or half baro-

nies in the county; and shall appropriate one of the said booths, buildings, or other places, to each barony or half barony, the name whereof he shall cause to be affixed, in large, legible characters, on some conspicuous part of the outside thereof; and he shall appoint a clerk for each, and also a deputy for each, except for the one where he shall himself preside; and the expense of every such booth or building, and of repairing and keeping up the same during the poll, and the wages of every such deputy and clerk, which shall not exceed the rate of one guinea a-day for each, shall be paid, jointly, by all the candidates to the sheriff, upon demand.

Where elections are not for knights of shire, returning officers to hire or erect booths, &c. at desire of candidate, provided more than 200 have polled formerly;

s. 6. And be it further enacted, that in all elections for any member or members to serve in parliament, not being elections for a knight or knights of the shire, the returning officer or officers shall, upon demand made to him or them by any candidate, in writing under his hand, *three days at least previous* to the day of holding the election, cause to be erected in or near the place appointed for holding the election, as many booths, or hire as many buildings for taking the poll, as such candidate shall so desire by writing under his hand, provided that the number of electors polled on the last, or any former election, shall have exceeded two hundred; and provided also that the number of booths or buildings, together with the place appointed for holding the election, shall not exceed the rate of one place for every one hundred electors which were polled at the last or any former election; and the returning officer or officers shall appoint a clerk for each place, and a deputy for each, except where he or they shall preside; and the expenses of erecting or hiring every such booth or building, and of repairing and keeping up the same during the poll, and the wages of every such deputy and clerk, which shall not exceed one guinea a day for each, shall be paid jointly, by all the candidates, to the returning officer or officers, upon demand.

not more than 1 place for 100 electors; a clerk and a deputy for each, at one guinea each, paid by all candidates.

At elections for knights of shire freeholders to be polled in booths appropriated to their baronies;

s. 7. And be it further enacted, that on every election for a knight or knights of a shire, every freeholder shall be polled only in the booth, building, or place appropriated as aforesaid to the barony or half barony, in which the freehold, by virtue of which he offers to vote, is, either wholly or in part, situated; and that every sheriff may himself take the poll in any of the booths, buildings, or other places appropriated as aforesaid, and from time to time, during the election, change from one to the other as he shall think fit; and that every returning officer or officers may, from time to time during every election, remove any deputy, or appoint another in his room, and may change every deputy from one booth or building to another, as often as he shall think fit.

deputies may be removed, &c.

Poll books to be kept open seven hours a day, unless by consent of all candidates.

s. 8. And be it further enacted, that every returning officer, unless prevented by accident or unavoidable necessity, (an entry of the nature of which accident or necessity shall be made at large on the poll-book, and signed by him,) shall cause the poll to be kept open in his own and every deputy's court,

on every day for seven hours at the least, between eight in the morning and eight at night, *Sunday* and *Christmas* day only excepted, from the commencement of the election until the poll shall be finally closed, unless the consent of all the candidates shall be given for his doing otherwise, every which consent shall be entered on his poll-book.

Returning officer to take the following oath.

s. 9. And be it further enacted, that every returning officer shall, before he proceeds to take the poll, take and subscribe in open court the oath following, which every justice of the peace is hereby required and authorized to administer:

Oath.

"I, *A. B.* do swear, that I will honestly, impartially, and without favour to any candidate, take the poll at this election, and that I have not directly or indirectly, received, nor will I hereafter directly or indirectly receive, any money, gift, reward, promise, contract, or security for money, or other reward, for or in respect of the conduct which I shall observe during the ensuing poll, or the return which I shall make at the close thereof, except the expenses of erecting booths, hiring buildings, keeping them in repair, and the payment of clerks and deputies, and counsel for my assistance, and that I will return such person or persons as shall appear to the best of my judgment at the close of the poll, to have the majority of legal votes."

Deputies to take the following oath.

And that every deputy appointed by virtue of this act, shall before he proceeds to take the poll, take and subscribe in open court the oath following, in presence of the returning officer or officers, who is and are hereby required and empowered to administer the same.

Oath.

"I, *A. B.* do swear, that I will honestly, impartially, and without favour to any candidate, take the poll at this election, and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any money, gift, reward, promise, contract, or security for money, or other reward for, or in respect of the conduct I shall observe during the ensuing poll, and that I will make a fair and true return of all such persons as shall tender their votes before me, to be by me taken to the returning officer or officers by whom I am appointed, whenever and as often as I shall be thereunto required by him or them."

And a memorandum of every of the said oaths being taken, shall be entered on the poll-book.

Deputy to close and give up his poll-book each day to officer, who shall sum up the number, &c. 50*l.* penalty on deputy refusing to deliver poll-book, or polling after directed to stop, or before directed to begin, and votes not allowed.

s. 10. And be it further enacted, that every deputy shall, upon notice given to him by the returning officer, each day close his poll-book, and deliver in the same immediately to such officer, who shall sum up thereupon the number of votes polled on such day for each candidate, to be read aloud and entered in his poll-book in open court; and if any deputy shall refuse to deliver his poll-book when required by the returning officer, or shall continue to take the poll after he shall have been directed by him to stop, and before he shall be again directed by him to proceed, or after his deputation shall be revoked, he shall forfeit the sum of fifty pounds to any

person who shall sue for the same, to be recovered as hereinafter directed, and every vote admitted by him after such refusal or direction to stop, or revocation, shall be void, and the person who offered such vote shall not be deemed to have voted, and is hereby declared not to have voted or to have been polled at such election.

Removals, appointments, and changes of deputies to be publicly proclaimed.

s. 11. Provided always, and be it enacted, that every such removal and new appointment of a deputy, and such notice to a deputy to close the poll and deliver up his book, or to change from one booth or building to another, shall be made publicly, and proclaimed in the place where such deputy shall take the poll by the returning officer or officers, or some person to be for that purpose appointed by him or them.

Rioting shall not be an excuse for closing the poll; but the court may be adjourned from time to time. See 2, 3 *Will.* 4. c. 88, *s.* 53.

s. 12. And be it further enacted, that if any person or persons shall violently, riotously, or outrageously disturb or interrupt any election, or the proceedings of the poll, such disturbance, riot, or misbehaviour shall not be any excuse to the returning officer or officers, nor afford him or them any pretence for closing the poll, or making a return, but the court shall thereupon be adjourned for some convenient time as the occasion may require, and, if necessary, shall be further continued by adjournment from time to time, until such disturbance shall have ceased, when such returning officer shall again proceed in taking the poll; and every person who shall be by due course of law convicted of having violently, riotously, or outrageously disturbed the court, or otherwise misbehaved, so as forcibly to interrupt the proceedings of the poll, or of having wilfully effaced, obliterated, torn, altered, or destroyed the whole or any part of the poll-books of the returning officer or officers, or any deputy, whereon any thing relative to the said election shall have been entered, or of having forcibly or fraudulently taken or secreted the same, or any part thereof, or the writ or precept for holding such election, shall be adjudged guilty of felony, and be transported for seven years to some part of his majesty's dominions out of Europe, or be imprisoned for any time not more than seven years, at the discretion of the judge or judges who shall try such person.

Persons convicted of rioting or interrupting the poll, or injuring the poll book, &c. &c. may be transported for seven years, &c.

No more to be returned than required by the writ.

Officer to have a casting voice;

s. 13. And be it further enacted, That no returning officer or officers shall, upon any pretence whatsoever, return more than the number of persons he shall by his writ or precept be required to return; and that in case of an equality of voices for any two or more candidates upon the close of the poll, he shall be obliged to give a casting voice, whether otherwise legally qualified to vote or not, or whether he shall have voted or not at such election; and if any returning officer or officers shall return more than the number of persons who shall by the writ or precept be directed to be returned, such returning officer or officers shall forfeit the sum of two thousand pounds to the person who shall first sue for the same, to be recovered as hereinafter directed, and such returning officer or officers shall be rendered incapable of ever

Officer to forfeit £2000. if he returns more than the number directed, and to be incapable of voting.

after voting at any election for a member or members to serve in parliament.

No fee or reward to returning officer; contracts for making a return shall be void;

s. 14. And be it further enacted, That no fee, gratuity, or reward whatsoever shall be given, paid, received or taken by any sheriff or returning officer or officers of any county, city, town, or borough, for making out, or for the delivery, return, or execution of any writ or precept for the electing a member or members to serve in parliament, and that all contracts, promises, bonds, and securities, to be made or given to any sheriff or other returning officer or officers, for making a return of any member to serve in parliament, or to pay such sheriff or returning officer or officers any sum or sums of money, by way of gratuity or reward, for making such return, or otherwise in respect thereof, shall be, and are hereby declared to be, null and void; and whosoever shall make, give, or accept of such contract, promise, bond, or other security, or any gift or reward to procure any false return, shall forfeit a sum equal to the value given, or intended to be given or accepted in such contract, promise, or other security, gift, or reward, and also the further sum of two hundred pounds to any person who shall first sue for the same, to be recovered as hereinafter directed.

persons giving or accepting such, forfeit the amount and 200*l.*

Officer or deputy causing unnecessary delay, shall forfeit 500*l.*

s. 15. And be it further enacted, That if any returning officer or officers, or any deputy who shall be appointed pursuant to this act, shall unnecessarily and wilfully protract the poll, or be guilty of any wilful and unnecessary delay in taking the same, every such returning officer or officers, and every such deputy, so offending, shall forfeit the sum of five hundred pounds to any person who shall first sue for the same, to be recovered as hereinafter directed.

Place of freehold, barony, and abode of freeholder to be entered; also sworn or affirmed, &c.

s. 16. And be it further enacted, That in all elections at which any person shall vote as a freeholder, the returning officer or officers, and every deputy, shall enter in the poll-book the place of every such person's freehold, and the barony or baronies, or half-barony or half-baronies wherein such freehold lies, and also his place of abode, as he shall declare the same, severally, at the time of offering or giving his vote, and also shall enter sworn or affirmed (as the case shall be) against the name of every elector to whom any of the oaths or affirmations, by this act required or authorised, shall be tendered, and by whom the same shall be taken, distinguishing the nature of the oath or affirmation; and that every sheriff presiding at any election for a knight or knights of the shire shall, within twenty days next after any election for a knight or knights of the shire shall have been closed, faithfully deliver over unto the clerk of the peace of the county all the poll-books of such election, verifying upon oath that he delivers them without any embezzlement, obliteration, erasure, or alteration, to be carefully kept and preserved amongst the records of the county.

Sheriff to deliver poll books within twenty days after election for knight of the shire, verified on oath, to the clerk of the peace.

At general elections, officers to

s. 17. And be it further enacted, That in the case of a general election, every returning officer who shall hold an

election by virtue of a precept, shall make due return of such precept six days at least before the return of the writ by virtue of which said precept shall have issued, and that all and every sheriff and sheriffs, who shall receive any writ for the election of any member to serve in parliament, shall make due return of such writ to the clerk of the crown, on or before the day on which such writ shall be returnable.

make returns of precepts six days before return of writs; sheriffs to make returns of writs to clerk of Crown.

s. 18. And be it further enacted, That in all cases where a writ shall be issued during a session or prorogation of parliament, the return be made thereof to the clerk of the crown within forty days after the test thereof, and if by virtue of such writ the election shall be held by precept, the return of such precept shall be made to the sheriff within thirty days after the date thereof; and every sheriff and other returning officer making default therein, shall forfeit to any person who shall sue for the same, the sum of one hundred pounds for each day such default shall be made, to be recovered in manner hereinafter mentioned.

Return of a writ during session, or prorogation, within forty days after test; if election held by precept, return made to sheriff within thirty days, or forfeit 100*l. per* day.

s. 19. And be it further enacted, That no person to be hereafter elected to serve in parliament for any county, city, town, or borough, shall after the test of the writ of summons to parliament, or after the vacancy shall have happened to supply which the election shall be held, by himself, his friends, or agents, or any person or persons employed in his behalf, directly or indirectly give, present, or allow to any person or persons, having a vote or votes in such election, any money, meat, drink, entertainment, or provision, cockades, ribbands, or any other mark of distinction, or make any present, gift, reward, or entertainment, or shall at any time hereafter make any promise, agreement, obligation, or engagement, or give or allow any money, meat, drink, provision, present, entertainment, or reward, to or for any such person or persons in particular, or to any such county, city, town, or borough in general, or to or for the use, advantage, benefit, employment, profit, or preferment of any such person or persons, place or places, in order to be elected, or for being elected to serve in parliament for such county, city, town, or borough; and that every person and persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be, and is, and are hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county, city, town, or borough.

No entertainments, presents, cockades, promises, &c. &c.

Persons giving, promising, allowing, &c. incapacitated to serve.

s. 20. And be it further enacted, that no candidate for a county shall employ, at or for any election for said county, where a poll shall take place, more hired agents or hired clerks than after the rate of one agent and one clerk for each barony or half-barony in the said county; and that no candidate for any city, town, or borough, shall employ at, or for any election which shall be held there, where a poll shall take place, more hired agents or hired clerks than one agent or one clerk for every one hundred voters who polled at the last, or any previous

Candidates for counties, to have only one agent or one clerk for each barony or half-barony; cities, towns, &c. one agent or one clerk for every 100 voters; no more than five guineas for first

day, and two guineas for every other day, for clerk or agent, penalty 1000*l.* see 1, 2 *G.* 4. *c.* 58.

election held there, and that no higher sum shall be paid to any such clerk or agent than five guineas for the first day, and two guineas for every further day which the poll shall continue: and if any candidate shall employ at, or for any election more hired clerks or agents than is hereby allowed, or pay or promise to pay directly or indirectly to any clerk or agent more than the wages herein specified, he shall for every such offence forfeit to any person who shall sue for the same the sum of 1000*l.*

No counsel to plead before returning officer or deputy.

s. 21. And be it further enacted, that no barrister or counsel or friend, or adviser of the court, although an elector, shall be permitted to plead before, or be heard as counsel, by any returning officer or any deputy, at any election, on the part of any candidate or elector, either for or against the right of any person to vote at such election or otherwise.

Returning officer may employ a barrister, and candidates may pay the expence.

s. 22. Provided always, that it shall and may be lawful for any returning officer to employ a barrister or counsel to assist him in the execution of his duty, and that every candidate may pay any sum he thinks proper towards defraying the expense thereof.

Persons who ask or receive any reward for themselves or others, or who influence others for reward &c. forfeit 500*l.*

s. 23. And be it further enacted, that if any person who shall have, or claim to have, any right to vote in any election of a member or members of parliament, shall directly or indirectly ask, receive, or take any money, or other reward, by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, to give his vote, or to abstain from giving his vote, in any such election; or if any person by himself, his friends, or by any person employed by him, shall, by any gift or reward, or by any promise or agreement, or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall, for every such offence, forfeit the sum of five hundred pounds sterling, to the person who shall first sue for the same, to be recovered as hereinafter directed; and every person offending in any of the cases aforesaid from and after judgment obtained against him, *in any action or information grounded on this act*, shall for ever after be disabled to vote in any election of any member or members to serve in parliament, and also shall be for ever disabled to hold, exercise, or enjoy any office or franchise to which he or they then shall, or at any time afterwards may be entitled, as member of any city, borough or town corporate, as if such person was naturally dead.

After judgment such personsshall be disfranchised.

Conveyances made fraudulently to qualify voters, shall be deemed against the persons who grant them:

s. 24. And be it further enacted, that from and after the passing this act, all estates, grants, and conveyances whatsoever, made to any person or persons in any fraudulent or collusive manner, on purpose or with intent to qualify him or them to give his or their vote or votes at any election or elections of knights of the shire, or citizens for counties of cities, or burgesses for counties of towns, or any other boroughs, subject to conditions or agreements, to defeat or determine such estates, grants, and conveyances, shall be deemed and taken

against the person or persons who granted such estate as free and absolute, and be holden and enjoyed by all and every person and persons to whom such conveyance or grant shall be made as aforesaid, freed and absolutely acquitted, exonerated, and discharged, of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisoes of redemption, or other defeasances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts or agreements between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or being privy to such purpose, shall devise or prepare the same, and every person who by colour thereof shall give any vote at any election for any such member to serve in parliament, shall, for every such grant and conveyance so made, or vote so created or given, forfeit the sum of one hundred pounds sterling, to any person who shall sue for the same, to be recovered in manner hereinafter directed.

all covenants for redemption shall be void;

Persons who execute or prepare such conveyances, or who vote under such, forfeit 100*l.*

s. 25. And be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament, who is under the age of twenty-one years, nor by virtue of any freehold arising from a rent-charge, *unless such rent-charge be of the full clear yearly value of twenty pounds at the least,* nor unless he shall have been in possession thereof for one whole year, and shall have been entitled to receive one whole year's rent and profit thereof, before the test of the writ for holding such election, unless said freehold shall have come to him by descent, devise, marriage, or marriage-settlement, within the said year.

None to vote under 21 years old; nor by virtue of a rent-charge, but as herein.

s. 26. And be it enacted, That no person shall be admitted to vote at any election, by virtue of any freehold which shall be let or demised to the person or persons from whom he holds or derives the same, or to any person in trust for him or them, or to his or their heirs or assigns, if the yearly value thereof be under the sum of twenty pounds; and that no person shall be admitted to vote at any election by virtue of a freehold which shall be let or demised to any person or persons for the same term for which he holds the same, if the value thereof be under the yearly sum of twenty pounds.

Persons not to vote whose freeholds are let or demised to persons from whom they hold, if under 20*l.* nor if let to any other for the term he holds.

s. 27. And be it further enacted, that no person shall be admitted to vote at any election by reason of any trust, estate, or mortgage, unless such trustee or mortgagee shall have been in the actual possession or receipt of the profits thereof, for his own use, twelve calendar months before the test of the writ for holding such election, and the mortgagor, or *cestui que*

No trustee, or mortgagee, to vote, unless in possession 12 months before test of writ: mortgagor may vote.

trust in possession (or both as the case may be) may vote out of such estate, notwithstanding such mortgage or trust.

None to vote by virtue of freeholds granted fraudulently in exchange, &c. or in consideration of increase of rent.

s. 28. And be it further enacted, That no person shall be admitted to vote at any election by virtue of any freehold granted fraudulently, or in exchange for a freehold in any other county, or in consideration of any increase of rent out of any other lands in the same, or in any other county held by such person from the grantor, though such consideration be not expressed in the deed of grant.

s. 29. And be it further enacted, That no person shall be admitted to vote, as a freeman, at any election of a member to serve in parliament, whose freedom shall not have come to him by service, birth-right, or marriage, unless he shall have been admitted to his freedom, or his freedom shall have been granted to him *six calendar months* at the least before the test of the writ for holding such election.

Freemen to be admitted six months before election, unless by birthright, &c.

s. 30. And be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament by virtue of a freehold under the yearly value of twenty pounds, unless such freehold shall have been in his actual occupation, either by his residing thereon, or tilling or grazing the same to the amount of forty shillings yearly value thereof, at the time of his registering the same, pursuant to the provisions of this act hereafter mentioned, and also for six successive calendar months at the least, between the date of such registry, and the test of the writ for holding the election, unless such freehold shall have come to such person by devise, descent, marriage or marriage settlement, and was demised at the time it so came, and continues at the time of such election to be held under him by virtue of such demise.

Freeholders under 20*l.* to occupy or till to amount of 40*s.* when registered, and six months before test of writ, unless by devise, &c.

s. 31. And be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament by virtue of a freehold, unless he shall have registered the same within eight years preceding the test of the writ for holding such election, in manner following: that is to say, he shall, in open court, at some sessions of the peace held *six months at the least* previous to the said test in the county, town, or city where his freehold lies, take and subscribe the following oath, or if a Quaker, the following affirmation, unless his freehold shall consist of a rent-charge:

Freeholds to be registered within eight years of test writ.

'I of in the county of or, of the town or city of [as the case may be] do swear [or if a Quaker, affirm,] that I am a freeholder of the county of and that I have a freehold therein, arising from a house or houses, land, or both, or other hereditaments [as the case may be], of the clear yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at [naming the parish or parishes, if not extra-parochial or in dispute between two parishes, and the town-land or town-lands, and barony or half-barony, or baronies or half-baronies wherein it is situated,] in this county, and that the said free-

Oath to be taken six months before test, unless free-hold is a rent-charge.

hold does not arise from a rent-charge, and that I am in the actual occupation thereof by residing thereon, or by tilling or grazing to the amount at least of forty shillings yearly value thereof, [as the case may be] and that the said freehold is not set or agreed to be set, nor do I intend to set the same to the person or persons from whom I hold it, or to the heirs or assigns of such persons or persons, or to any one in trust for him, her, or them, and that I have not agreed to set it for the term for which I hold it, nor have I procured it fraudulently, nor has it been granted fraudulently, or in exchange for a freehold in any other county ;'

but if such freehold be of the yearly value of twenty pounds, and the freeholder shall choose to register it as being so, the words 'twenty pounds' shall be substituted in the place of the words 'forty shillings,' in the foregoing oath, and the following words shall be omitted therein : 'and that I am in the actual occupation thereof by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof.'

Oath altered where freehold comes by descent &c. See 37 *G.* 3, *c.* 47. *s.* 4; 2, 3 *Will.* 4. *c.* 88, *ss.* 8, 13, and *sched. C. No.* 6.

s. 32. Provided always, and being it enacted, That if such freehold be under the yearly value of twenty pounds, and shall have come to the person offering to register it by descent, devise, marriage, or marriage settlement, and was demised at the time it so came and continues to be held under such demise, the words in the foregoing oath or affirmation, 'and that I am in the actual occupation thereof by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof,' may be omitted, and the following words inserted in their place, 'and that the said freehold came to me by descent, devise, marriage, or marriage settlement, [as the case may be] and was demised at the time it so came to me, and still continues to be held under such demise.'

Alteration in oath where freehold has been registered before under this act.

s. 33. Provided also, and be it enacted, That in case any person who shall have registered a freehold under the provisions of this act, shall desire to register the same freehold at any subsequent time, all the words in the foregoing oath after the words 'rent-charge' shall be omitted, and the following words inserted, 'and that I registered the said freehold on the day of , [naming the day, month, and year, when the affidavit of the registry was delivered to the acting clerk of the peace.]

Rent-charges registered within eight years before test of writ.

s. 34. And be it further enacted, that no person shall be admitted to vote at any such election, by virtue of a freehold arising from a rent-charge, unless he shall have registered the same within eight years preceding the test of the writ for holding such election in manner following; that is to say, he shall in open court, at some sessions of the peace held twelve months at the least previous to the said test, in the county, town or city where his freehold arises, take and subscribe the following oath, or if a Quaker, the following affirmation :

Oath to be taken twelve months before test.

"I of in the county of or the town or city of [as the case may be] do swear, [or if a Quaker, affirm,] that I

am a freeholder of the county of
and that I have a freehold therein of the clear yearly value of twenty pounds a year at the least, above all charges payable out of the same, consisting of a rent-charge granted by deed, bearing date the day of in the year on the lands of , [naming the lands mentioned in such deed, and the barony or baronies, half-barony or half-baronies, wherein the same lie,] and that I am in the possession thereof, to the clear amount of twenty pounds yearly value thereof, and am entitled to receive the same as it becomes due."

Oaths read in court, signed and delivered to clerk of the peace.

s. 35. And be it further enacted, that every oath or affirmation made and subscribed at any sessions of the peace as aforesaid, shall be read aloud in open court, and be signed by two of the justices presiding there, and shall be then delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of the county, town or city.

Where 50*l.* freeholders take oath as herein, in Dublin, or at assizes, &c. such may be produced at sessions, &c. and shall be as good as if taken at sessions. See 37 *G.* 3. *c.* 47. *ss.* 1. 2, and 2, 3 *Will.* 4. *c.* 88, *s.* 46.

s. 36. Provided always, and be it further enacted, that where the freehold, whether consisting of a rent-charge or not, shall be of the clear yearly value of fifty pounds, and the freeholder who shall be seised of the same shall take and subscribe the oath or affirmation [as the case may be] respectively required as aforesaid, to be by him taken for registering the said freehold, with the words 'fifty pounds' inserted therein in place of the words 'forty shillings, or 'twenty pounds,' in any of the courts of king's bench, common pleas, or exchequer, in the city of *Dublin*, or at any assizes, and the same shall be subscribed by one of the judges of such courts, or the judge of assize, such oath or affirmation so subscribed may be produced at any sessions of the peace as aforesaid, held in the county, town, or city where such freehold lies, and when read aloud there in open court, shall be signed by two of the justices presiding there, and shall then be delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of such county, town, or city; and every such oath or affirmation so taken, shall be of equal effect for registering such freehold within the meaning of this act, as if it had been made at the sessions of the peace as aforesaid.

50*l.* instead of 40*s.* to be inserted, at desire of freeholder; upon such being registered, he may vote, although not within eight years. *But see now* 2, 3 *Will.* 4. *c.* 88, *s.* 31.

s. 37. Provided also, that in all cases where the person intending to register his freehold shall desire to insert in the oath or affirmation before he takes and subscribes the same, either at a sessions, or in any of the courts before mentioned in the city of *Dublin*, or at any assizes, the words 'fifty pounds,' in the place of 'forty shillings,' or 'twenty pounds,' the said words shall be inserted therein; and upon his freehold being registered, in consequence of his taking such oath, or making such affirmation, such registry shall be deemed a sufficient registry to enable him to vote, although it shall not have been made within eight years previous to the test of the writ for holding the election at which he shall offer to vote:

None precluded who have dis-

s. 38. Provided always, that no person shall be precluded from voting by virtue of any freehold, on account of having

sold, aliened, or disposed of any part of the freehold he shall have registered, between the date of such registry and the day he shall offer his vote, if he shall have retained thereof to the annual value sworn in such registry:

posed of a part, if they retain as much as sworn to.

s. 39. Provided also, that no person shall be precluded from voting by virtue of a freehold, on account of its not being registered pursuant to the provisions of this act, if it consists of a rent-charge, and shall have come to him by descent, devise, marriage, or marriage settlement, within fifteen months previous to the test of the writ for holding the election at which he shall offer to vote, or if it does not consist of a rent-charge, and shall have come to him in like manner within nine months previous to such test:

Rent-charges by descent, &c. within fifteen months, others within nine months, may vote though not registered, and

s. 40. Provided also, that no rector, vicar, or curate shall be obliged to register his freehold, arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election, on account of his not having registered the same.

Clergymen not obliged to register ecclesiastical freeholds. But see now 2, 3 *Will. 4. c.* 88, *ss.* 13, 63.

s. 41. And be it further enacted, that every clerk of the peace shall give to every person immediately on the registry of his freehold, if he shall demand it, a certificate signed by himself, certifying such person having duly registered the same, and reciting his oath or affirmation exactly therein, under a penalty of five pounds for every neglect or refusal, for which certificate he shall be paid by such freeholder the sum of three pence; and every such certificate, when signed in open court by two justices, and countersigned by the acting clerk of the peace, shall be, and is hereby declared to be of equal authenticity with the original oath or affirmation, in case the same shall be lost or mislaid.

Clerks of peace to give certificates to freeholders, containing as herein, penalty 5*l*. Freeholder to pay 3*d*. See 2, 3 *Will. 4. c.* 88. *s.* 28.

s. 42. And be it further enacted, that the acting clerk of the peace shall, during every sessions, enter into a book, in alphabetical order, according to the surnames of the persons registered, the substance of every such oath or affirmation delivered to him, in the form following:

Clerk to enter freeholders in a book;

Freeholders' Names.	Place of Abode.	Place & nature of freehold.	Parish, &c. where freehold is situate.	Barony or half-barony, where freehold is situate.	Value.	Date of Registry.	Affidavit or Affirmation where and when made.

the like in every county, a book for each barony or half-barony, with which he

And he shall in every county likewise enter the same in like alphabetical order, and form into separate books, one for each barony or half barony, according to the barony or half barony in which such freehold shall be sworn or affirmed to

lie, which books he shall attend with at every election for a knight or knights of the shire, and deliver in court to the sheriff previous to the commencement of the poll, making oath at the same time, before a justice of the peace, that all the entries in the said books are truly and exactly made, according to the directions of this act.

shall attend and swear to at elections for knight of the shire.

s. 43. And be it further enacted, That every clerk of the peace shall, from time to time, within ten days after every sessions, deliver to the treasurer of the county a true copy of every entry of registry by him made at such sessions; which copy shall be kept by the said treasurer amongst the accounts of the said county, and that at the request of any freeholder of said county to the clerk of the peace or treasurer, the said clerk of the peace or treasurer shall, within ten days from such request, deliver to such person a true copy of the registry of all the freeholders which shall have been registered in such county at the time of such request being made, on receiving a sum at the rate of three-pence for every hundred persons' names contained in said copy.

Clerk to give copies of registries to treasurer in ten days after, copies of which are to be given to freeholders, requesting, at 3*d.* per 100 names.

s. 44. And be it further enacted, That if any clerk of the peace shall omit, or neglect to keep, any of the books hereby required, or to make due entries therein, in the order and form required, or to file any oath and affirmation delivered to him to be filed, and to preserve the same free from erasure, blot, interlination, or damage, or shall omit to give the copies hereby required within the time limited to the treasurer of the county, he shall, for every such offence, forfeit the sum of one hundred pounds, and be incapable of serving as clerk of the peace for any county; and if he shall neglect or refuse to attend at any sessions whereat freeholders may be registered by virtue of this act, or shall omit to give copies of the registry or any poll-book lodged with him, within a reasonable time after demand, he shall forfeit, for every such offence, the sum of fifty pounds to any person suing for the same.

Clerk of peace neglecting to do as herein, forfeit 100*l.* and disqualified; for neglecting to attend at sessions, &c. 50*l.*

s. 45. And for the greater ease of registering freeholders, be it enacted, That the general or quarter sessions may be adjourned from time to time, to be held either at any usual place of sessions, or at any market-town within the county, and that every such sessions, and every such adjournment thereof, or adjournment of any adjournment, shall be deemed a sessions within the meaning of this act, for the purpose of registering freeholders, but that no special sessions held for any purpose of the militia, or for licensing persons to sell ale, beer, or spirituous liquors, shall be deemed a sessions within the meaning of this act, for the purpose of registering freeholders.

What adjournment of quarter sessions shall be deemed a sessions for the purpose of registering freeholders.

s. 46. And be it further enacted, That every person who shall offer to vote as a freeholder, shall, before he shall be admitted to poll at any election, declare whether his freehold arises from a rent-charge or not; and if it arises from a rent-charge, he shall, before he shall be admitted to poll, take the oath

Oaths to be taken by rent-chargers and freeholders, if required, before they poll. But see now the 2, 3 *Will. IV. c.* 88, *s.* 54.

hereafter following, entitled, "The rent-charger's oath," if required so to do by any elector; and if his freehold does not arise from a rent-charge, he shall, if so required by any elector, before he be admitted to poll, take one or other of the oaths hereafter following, entitled, "The freeholder's oath," in every which oath the sum of forty shillings, or twenty pounds, or fifty pounds, shall be inserted, according as the same shall have been entered in the oath for the registry of the freehold.

Freeholder's oath, where the freehold is registered under the yearly value of twenty pounds.

Freeholder's oath, where under 20*l.*

'I , of in the county of , [or] of the town or city of , [as the case may be,] do swear, [or if a quaker, affirm,] that I am a freeholder of this county, and that I have a freehold therein arising from a house or houses, land, or both, or other hereditaments [as the case may be], of the clear yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at [naming the parish or parishes, the town-land or town-lands, and barony or half-barony, or baronies or half-baronies, as stated in his oath of registry,] in this county, and that the said freehold does not arise from a rent-charge, and that I have been in the actual occupation thereof for six successive months at the least, between the day on which I registered the same and the day of [naming the day of the test of the writ for holding the election], by residing thereon, or tilling or grazing to the amount of forty shillings yearly value thereof [as the case may be], and that the said freehold is not set, or agreed to be set, to the person or persons from whom I hold it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, and that I have not set it, or agreed to set it, for the term for which I hold it, and that I have not been polled before at this election.'

Freeholder's oath, where the freehold is registered of or above twenty pounds yearly value.

Freeholder's oath for 20*l.* or above.

'I , of in the county of , or of the town or city of [as the case may be,] do swear [or if a quaker, affirm] that I am a freeholder of this county, and that I have a freehold therein of the clear yearly value of twenty pounds, or fifty pounds [as stated in his oath of registry] above all charges payable out of the same, lying and being at [naming the parish or parishes, town-land or town-lands, and barony or half-barony, baronies or half-baronies, as stated in his oath of registry,] in this county, and that the said freehold does not arise from a rent-charge, and that I have not been polled before at this election.'

The rent-charger's oath.

'I, , of , in the county of or of the town or city of [as the case may be,] do swear [or if a quaker, affirm] that I am a freeholder of this county, and that I have a freehold therein, of the clear yearly value of twenty pounds a year at the least above all charges payable out of the same, consisting of a rent-charge granted by deed bearing date the day of in the year , upon the lands of [naming the lands mentioned in such deed, and the barony or baronies, half-barony or half-baronies, wherein the same lie,] and that I am now in possession thereof, or of the clear amount of twenty pounds yearly value thereof, and have been so ever since I registered the same, and am entitled to receive the same, or to the clear amount of twenty pounds yearly value thereof [as the case may be], as it becomes due, and that I have not been polled before at this election.' Rent-charger's oath.

s. 47. Provided always, and be it enacted, That where the freehold, if arising from a rent-charge, shall have come by descent, devise, marriage, or marriage-settlement, to the person offering to vote out of the same, within fifteen months previous to the test of the writ for holding such election, or if not arising from a rent-charge, shall have so come within nine months previous to said test, the words in the freeholder's oath, 'and that I have been in the actual occupation thereof for six successive months at the least, between the day on which I registered the same and the day of , by residing thereon, or tilling or grazing to the amount of forty shillings yearly value thereof,' and the words in the rent-charger's oath, 'and have been so ever since I registered the same,' shall be omitted respectively, and the words following shall be added to every such oath respectively, 'and that the said freehold came to me on the day of by descent, or devise, from [naming the person from whom it descended, or by whom it was devised,] or by marriage, or marriage-settlement with , on the day of [naming the person and date;] and that the blank for the parish or parishes, barony or baronies, half-barony or half-baronies in the said oaths or affirmations shall, in every such case, be filled up by the names which the person so offering to vote shall at the time desire to insert therein, and that 'forty shillings,' 'twenty pounds,' or 'fifty pounds,' shall be inserted in the freeholder's oath, according to the desire of such person offering to vote. Alteration in oath, where rent-charge comes within 15 months, by descent, &c. or other freehold, so come within nine.

s. 48. And be it further enacted, That if any candidate or elector shall desire it, the words following shall be added to any of the oaths aforesaid, 'and that I am, to the best of my belief, of the age of twenty-one years.' Freeholder to swear he is 21, if required.

s. 49. Provided always, and be it further enacted, that where the freehold shall be registered under the yearly value Freeholders under 20*l.* to swear they reside

till, or graze, to amount of 40s.

of twenty pounds, and the words, "and that I am in the actual occupation thereof, by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof, shall be admitted in the oath or affirmation of the person registering the same, pursuant to the provisions aforesaid, the words in the foregoing oath, "and that I have been in the actual occupation thereof for six successive months at the least, between the day on which I registered the same and the day of , by residing thereon, or tilling or grazing to the amount of forty shillings yearly value thereof," shall be omitted:

When said words may be omitted.

s. 50. Provided also, that the said words shall also be omitted in the said oath, when it shall be tendered to any person who shall have inserted in his affidavit of registry, made pursuant to the provisions of this act, that he registered the said freehold on the day of

No tax, cess, &c. shall be deemed a charge, &c.

s. 51. And be it further enacted, that no public or parliamentary tax, county, church or parish cess or rate, or any cess on any town-land, or division of any parish or barony, shall be deemed any charge payable out of any freehold estate within the meaning of this act, or any of the foregoing oaths or affirmations.

Freeholders under 20*l.* to declare as herein, if required:

s. 52. And be it further enacted, that every person who shall offer to vote by virtue of a freehold, not consisting of a rent-charge under the yearly value of twenty pounds, shall, before he be admitted to poll, declare, if required by the sheriff or any elector, upon oath, the name of the person or persons under whom he holds his freehold, if he holds it under any person or persons, and shall also, if such freehold be situate in a town corporate, declare the street, or part of the city or town in which the same is situate, and who are his next resident neighbours in such street, or part of the said city or town, and the said declarations, in all such cases, shall be entered in the poll-book taken by the sheriffs, or their deputies, at such election.

to be entered in poll-book.

Person voting from freehold registered, and not in possession imprisoned six months.

s. 53. And be it further enacted, that if any person shall poll at any election by virtue of a freehold which he had registered, and of which he shall not be in possession at the time of his polling, he shall (if thereof convicted) be imprisoned in the common gaol of the county for the space of six months.

Punishment for assuming registered freeholder's name, &c.

s. 54. And be it further enacted, that if any person not being a registered freeholder, shall take upon him the name of a freeholder entered upon the registry, or pretend to be the person so registered, and shall be convicted thereof, he shall be sentenced to stand in the pillory on three successive market-days, in the town where such election has been held, and be imprisoned in the common gaol of the county where he shall have been so convicted for the space of six months.

Mode for inhabitan to borough to register where right of voting is in the inhabi-

s. 55. And be it further enacted, that every resident inhabitant, claiming a right to vote as being an inhabitant of a borough where the right of voting is in the inhabitants, or in the inhabitants and others, shall, at some quarter-sessions or

adjournment thereof, be registered in the following manner; that is to say, every such inhabitant shall, in open court, before the justices of the peace, at the quarter-sessions of the county wherein such borough lieth, or at some adjournment thereof, take the following oath, or if a Quaker make the following affirmation: tants. See s. 63, &c. and 2, 3 Will. 4. c. 88, ss. 6, 8, 9, and sched. C. Nos. 8, 9.

"I, *A. B.* do swear, [or if a Quaker, do affirm,] that I am a resident inhabitant of , and householder in the borough of , in the county of , and that my house is situated in , (here naming the street, lane, alley, row, or place,) and that my neighbours are and , and that I have resided in said house for six calendar months last past, and that I am not an inmate or lodger with any other person in said borough, but am really and truly a resident inhabitant of, and housekeeper in the said borough, and am answerable for payment of the usual customary taxes and cesses in said borough as a resident householder therein, which shall or may be legally demanded of me, and that my said house, exclusive of my land annexed to, or let with it, except the ground whereon my house (with its offices and back or other yard) stand, is, to the best of my knowledge and belief, worth the sum of five pounds yearly, and that I believe the same may be let for said sum of five pounds yearly, to a responsible tenant, and that I am, to the best of my knowledge and belief, of the age of twenty-one years and upwards. So help me God." Oath.

Which oath or affirmation shall be taken by every such inhabitant, in all cases in which he is or shall be required to register his residence.

s. 56. And be it further enacted, that when any inhabitant of such borough shall desire to have his residence registered, he shall swear or affirm the aforesaid affidavit or affirmation, which when duly sworn or affirmed, shall be read aloud in open court, and the person so registering shall sign the same, or affix his mark thereto, before two witnesses, who shall also sign the same, and if taken and signed as aforesaid, the court shall deliver it to the acting clerk of the peace, who shall immediately affix the paper containing the said affidavit or affirmation in a book to be by him kept for that purpose, and for no other, in its order, that is to say, immediately after the affidavit or affirmation last mentioned, and then the court shall sign it and date it according to the date of the month and year. Forms to be observed by inhabitant of borough registering his residence.

s. 57. And be it further enacted by the authority aforesaid, that although the affidavits be inserted in the said book in their order as to the time in which they were made, the names of the persons making the same shall be alphabetically arranged in an index at the end of the same book, and the page where the affidavit of the said inhabitant may be found; and that such inhabitants' names shall be so entered immediately after the corresponding affidavit or affirmation shall have been entered as aforesaid in the registry-book, without the Names of inhabitants to be inserted alphabetically in clerk's book in manner herein.

Sixpence fee to clerk of peace.

intervention of any other business whatsoever, for the inserting of which affidavit or affirmation, entry or registry, and indexing the same, the sum of sixpence, and no more, shall be paid by such inhabitant to the acting clerk of the peace at the time of such registering, if he shall demand the same, and no more.

Each entry deemed a record of the county. Book not to be altered nor written in by clerk of the peace or other person between sessions; book to be open to registered inhabitants at times herein on 24 hours' notice;

s. 58. And be it further enacted, by the authority aforesaid, that the said book shall be kept by the clerk of the peace amongst the records of the county, and that each entry shall be deemed a record of the county, and that the said clerk of the peace be required to preserve the said book, without addition or alteration, from one court of quarter sessions to another, neither writing in the same himself, nor permitting any other person to write therein, but that the same shall nevertheless be open to the inspection of any registered inhabitant of such borough, at any time between the hours of twelve and two o'clock in the daytime, when such inhabitant shall require it, upon his giving twenty-four hours' notice, except only on *Sundays* and the greater feasts, he paying for the same one shilling, and no more, for every time he shall inspect the same, and being debarred the use of both pen and ink during the whole of that time, and that if any person having or claiming to have a vote in the same borough, shall require of the clerk of the peace to furnish him with a copy of the said registry book, or any part thereof, the said clerk of the peace shall write, or cause to be written, a true copy of the same, and within a reasonable time furnish the said voter therewith, charging him for the same at the rate of two-pence for every four inhabitants so registered, contained in said copy, including the index; and that if any person having, or claiming to have, a vote in such borough, shall require from the clerk of the peace a copy of the index, or any part thereof, the said clerk of the peace shall furnish him therewith within eight days after, charging him for the same at the rate of one penny for every ten names of inhabitants contained in the said copy.

one shilling fee; pen and ink not allowed during inspection;

clerk of peace, if required, must furnish copy of registry-book; fee for copying, as likewise copy of index; fee for copying index.

Similar book to be made out for churchwardens of parish where borough lies, by clerk of peace;

s. 59. And be it further enacted, That the acting clerk of the peace, on the last day of every quarter sessions, do and shall insert a true copy of such entry or registry, or entries or registries, as he shall have made during the course of the said quarter sessions, together with an index to the same, in a book exactly similar to his own, to be kept by the churchwardens of the parish or parishes wherein the said borough lies, or by one of them, and by them, or one of them, to be carried to every such quarter sessions, and there intrusted to the acting clerk of the peace for that purpose, on the last day of each quarter sessions, and at no other time; and that the churchwardens shall preserve the said book, without alteration, from one quarter sessions to another, not writing in it himself or themselves, nor permitting any other person to write therein, except the clerk of the peace as aforesaid.

churchwardens not to suffer registry book to be altered or written in between quarter-sessions, except by said clerk of peace.

Oath to be taken

s. 60. And be it further enacted, That if any candidate or

elector shall desire it, every person offering to vote at any election shall, before he be admitted to vote, take the oath following : by voters on candidate or elector requiring it.

'I, *A.B.*, do swear, [or being one of the people called quakers, I, *A.B.*, do solemnly affirm,] I have not received, or had myself, or any person whatsoever in trust for me, or for my use and benefit, or for the use and benefit of any of my family or kindred, to my knowledge or belief, directly or indirectly, any sum or sums of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, or employment, in order to give my vote at this election.'

s. 61. And be it further enacted, for the greater convenience of persons by the said act required to register, That from and after the passing of this act, at every quarter sessions to be held next after the first day of *August* in every year, and for any county wherein there is situated any borough, or part of any borough, where the right of voting is vested in the inhabitants in general, or in the inhabitants and others, that the justices holding such quarter sessions are hereby required and directed to make an adjournment of the same, on some convenient day, within three weeks from the holding of such sessions, to such borough as aforesaid, for the purpose of there registering the names of persons who shall desire to be registered, as claiming a right to vote in such boroughs, and that such adjournment shall be held accordingly, in some convenient place, for the purpose aforesaid. At quarter sessions after 1st of August, in every year, for any county wherein borough is situate, where right of voting is vested with inhabitants, justices shall adjourn same as herein.

s. 62. And be it further enacted, That the sheriff of the county in which such borough shall be, shall, at all times, upon receiving a writ for the election of a member or members to serve in parliament for such borough, require of the clerk of the peace that he do deliver to the churchwardens, or one of them, of the parish or parishes wherein said borough lies, his said book so by him kept as aforesaid; and that the said churchwardens, with the said book and the duplicate thereof in their possession kept, shall attend on the returning officer in said borough, in the court where the poll shall be taken, throughout the whole of every election of members to serve in parliament for said borough, unless one of them shall, by any elector, be required to attend in a deputy's court, with his respective book of registry before mentioned, which requisition he is hereby required to comply with, to be freely inspected in their hands, during the election, by any person concerned therein. Sheriff to require clerk of peace to deliver registry-book to churchwardens as soon as he receives the writ for such borough. Churchwardens, with said book and duplicate, to attend returning officer, unless as herein. Registry-book to be inspected during election.

s. 63. And be it further enacted by the authority aforesaid, That no person whatsoever claiming to vote in right of being an inhabitant only, shall vote for any member or members to serve in parliament, where a right of voting is vested in the inhabitants in general, or inhabitants and others, who shall not appear to have been first registered in said books, or one of them, in the manner above prescribed, twelve calendar months at least before the time of holding such election, ex- Voter in right of being an inhabitant only, to be registered as above, 12 months before election.

except as hereafter mentioned.

cept in the case hereinafter particularly excepted, which being found upon inspection of the returning officer, or his deputy, the returning officer or his deputy shall, then, and not before, if thereto required by any electors, administer to such person the oath, or affirmation following, that is to say,

'I, *A. B.*, do swear [or if a quaker, do affirm] that I am a resident inhabitant in the borough of in the county of , and that I have been so for these twelve months last past, and duly proved and registered my residence twelve calendar months before the present vacancy, and that my house is situated in , and that my next neighbours are , and that I am not an inmate or lodger with any other person in said borough, nor have I been so at any time within these twelve months last past, but have paid the usual and customary taxes and cesses in said borough, as an householder, which have been legally demanded of me, and that I did not divide my house or out-houses, or suffer my house or out-houses to be divided, in order to multiply votes at this election, and that I did not come to reside in said borough since the present vacancy happened, nor in order to give my vote at this election; and that my said house, exclusive of my land annexed to, or let with it, except that whereon it stands, with its offices and back or other yard, is, to the best of my knowledge and belief, worth the sum of five pounds yearly rent, and that I believe the same may be let for said sum of five pounds yearly, to a responsible tenant.

'So help me God.'

Addition to oath if required.

And if any candidate, or any person having a right to vote at such election, shall require it, these words shall be added to said oath; *viz.* 'and that I am of the age of twenty-one years, as I verily believe.' Which oath or affirmation the seneschal or returning officer of such borough, or his or their deputy or deputies appointed as aforesaid, is, and are hereby empowered and directed to administer to such voter, at the request of any elector, and on such voter so taking the said oath, or if a quaker, the said affirmation, then, and not before, such seneschal, or returning officer, shall admit such votes; and said oath, or affirmation, if a quaker, shall be absolutely final and conclusive evidence to said seneschal, or returning officer of such borough, or his deputy, that the person so taking said oath, or making said affirmation, is qualified to vote at such election, and no such voter shall be liable to any further scrutiny or examination whatsoever before such seneschal, or returning officer, or his deputy, at such election:

Seneschal, or returning officer to administer said oath.

Oath, conclusive evidence of qualification.

s. 64. Provided always, That in all and every such borough or boroughs in this kingdom, where the right of voting is vested in the inhabitants in general, or inhabitants and others, which are situated in two different counties, every inhabitant of such borough, qualified to vote at elections for any member or members to serve in parliament for such borough, may,

if he think proper, in the oath or affirmation required by the said act to be by him taken at the time of his being registered, and likewise in the oath or affirmation which he may be called upon to take pursuant to said act, at any election for a member or members to serve in parliament for such borough, instead of the words, 'resident inhabitant of the borough of in the county of ,' substitute the words, 'resident inhabitant of that part of the borough of which lieth in the county of .'

Alteration in oath where borough situated in two different counties.

s. 65. And be it enacted by the authority aforesaid, That if any such inhabitant of such borough shall find that the acting clerk of the peace has wilfully or negligently acted in disobedience hereto, by not registering his residence in the manner hereby directed, having been thereunto duly required, and by not giving to the churchwardens of said borough a copy of the registry-book, in the manner and at the time hereinbefore mentioned, or by erasing, tearing out, or designedly making the same, or any part thereof illegible, or designedly, or through neglect, suffering any person to do so, the said inhabitant shall be entitled to recover from the said acting clerk of the peace, by civil bill, the sum of twenty pounds for every such offence, process being served twelve days inclusive before the first day of the assizes.

Inhabitants may recover 20*l.* from clerk of peace for every neglect or disobedience as herein.

Process to be served 12 days inclusive, before first day of assizes.

s. 66. And in order that the said inhabitant or inhabitants may the more easily recover the aforesaid sum or sums in the manner hereinbefore mentioned, be it enacted, by the authority aforesaid, That the said acting clerk of the peace, upon the receipt of sixpence as aforesaid, shall deliver to the inhabitants a certificate signed by the court, and countersigned by himself, who are hereby required to sign the same, of his having been duly registered on that day, which certificate, although no part of the registry, shall, when proved, be sufficient evidence upon any civil bill brought for the penalty aforesaid.

Clerk of peace being paid 6d. to deliver certificate as herein.

s. 67. And be it enacted, That if the registry-book to be kept by the clerk of the peace, and the copy thereof to be kept by the churchwardens, shall both be proved upon oath before the returning officer of the said borough, who is hereby authorized to administer the same, to have been lost, destroyed, or withheld, or so defaced that the affidavits shall be illegible, either previous to, or during the election, in such case, any of the said certificates, when proved, shall be sufficient evidence upon the election that the inhabitant producing the same has been duly registered.

Certificates, when proved, sufficient evidence where R. book is lost, or defaced &c.

s. 68. And be it enacted by the authority aforesaid, That if any person, not excepting the clerk of the peace and the churchwardens, shall steal, or destroy, or maliciously alter said registry-books, or either of them, whether in the body of the said books or their index, or negligently or wilfully suffer the same to be done, the person who shall be convicted of so offending shall suffer three years' imprisonment; and

Clerk of peace, churchwardens or others stealing, destroying, or altering R. book to be imprisoned three years;

lest any doubts should arise at the election with respect to voters, and in order the better to prevent perjury and occasional votes, be it hereby declared, by the authority aforesaid, to be the true intent and meaning of this act, That no person whatsoever shall be suffered to vote at any such election in right of being an inhabitant, without having been first registered as aforesaid twelve calendar months at the least before the test of the writ for holding such election, but that the returning officer or his deputy, is hereby required to refuse such vote, any thing in this or any other act of parliament to the contrary notwithstanding.

no inhabitant to vote except registered twelve months before test of writ; returning officer to refuse such.

s. 69. And whereas churchwardens of such parishes to whom such books shall be so delivered, may refuse to deliver over one of such books so delivered to them, to the clerks of the peace, after the holding of elections, and may refuse to deliver over the other of said books to their successors in the office of churchwardens, after the expiration of the time of their holding said office; be it therefore enacted, by the authority aforesaid, That such person or persons in the office of churchwarden as shall receive such regsitry-book from the clerk of the peace upon the holding of any election, shall return and deliver over the same to the said clerk of the peace or his order, immediately upon being thereunto required; and that such person or persons in the office of churchwarden, who shall have the other of the said books in his or their possession at the time of the expiration of his said office, shall deliver over the same to the person or persons who shall succeed him in the office, immediately upon being thereunto required by such successor or successors, or within ten days after the expiration of his said office of churchwarden, if not thereunto sooner required.

Churchwarden to deliver one R. book to clerk of peace on being required;

to deliver the other R. book to successor within ten days after expiration of office.

s. 70. And be it further enacted by the authority aforesaid, That if any person shall, from and after the passing of this act, unlawfully detain, or refuse to deliver up said books, or either of them, in manner and at the same times herein directed, such person so offending shall forfeit the sum of ten pounds sterling for every day he shall so unlawfully detain the same, to be recovered by civil bill, before the judges of assize in any county where such offence shall be committed, suffer one month's imprisonment for every day he shall so unlawfully detain the same.

Refusing to give or detaining R. books, penalty 10*l.* and one month's imprisonment for every day.

s. 71. And be it further enacted by the authority aforesaid, That the churchwardens in such parishes as aforesaid, from and after the passing of this act, in case of any neglect or refusal to comply with the several matters and things required of them by said first-mentioned act, shall forfeit, for every such offence, the sum of one hundred pounds sterling, to be recovered by any person who shall sue for the same in any of his majesty's courts of record.

100*l.* penalty on churchwarden refusing to comply with requisitions of act.

s. 72. And be it further enacted by the authority aforesaid, That all and every person and persons who shall falsely and wilfully swear or affirm, contrary to the true intent and mean-

Persons convicted of perjury to suffer penal-

ing of this act, being thereof indicted and convicted, shall suffer such pains, penalties, and disabilities, as persons convicted of wilful and corrupt perjury ought by law to suffer, and that any person claiming to be a voter as an inhabitant of such borough, who shall be guilty of perjury in registering his inhabitancy and right of voting, or pretended right in such borough, without being really and *bonâ fide* a resident inhabitant thereof, according to the form of the oath aforesaid prescribed, and shall be thereof convicted and condemned, and suffer the pains and penalties aforesaid, shall for ever be incapable of giving any vote at any election of a member to serve in parliament.

ties of persons convicted of wilful and corrupt perjury.

Perjurer incapacitated to vote at any election.

s. 73. And be it further enacted, that any mayor, bailiff, town-clerk, or other officer of any corporation, having a right to return members to parliament, shall, upon the demand of any candidate for such corporation, on payment of two shillings and sixpence, permit such candidate, agent, or freeman, between the hours of twelve at noon and three in the afternoon, at any time before, and within one month after any such election of members to serve in parliament, to inspect the books and papers, wherein the admission of freemen shall be entered, and to have copies or minutes of the admission of so many freemen as such candidate, agent, or freeman shall think fit, upon payment to such mayor, or other officer, of two shillings and sixpence for every such admission, and such books and papers shall if demanded by such candidate or his agent, or freeman, be produced by such mayor or other officer; and if such mayor or other officer shall refuse or deny such candidate, agent, or freeman, the inspection of such books and papers, at any election, if demanded, and paid for in the manner hereinbefore set forth, such mayor or other officer shall, for every such offence, forfeit the sum of fifty pounds to him, her, or them, who shall inform and sue for the same, to be recovered in manner hereinafter mentioned.

Officers of corporations to admit candidate, &c. at times herein to inspect the books.

and to take copies; fee 2s 6d.

if after fee paid, mayor or officer refuse inspection, penalty 50*l.*

s. 74. And be it further enacted, That if any person, sheriff, or other returning officer, his or their deputy or deputies who shall take any oath or affirmation in pursuance of this act, or shall wilfully swear or affirm falsely therein, he shall be guilty of wilful and corrupt perjury, or false affirming, and shall and may be prosecuted for the same, by indictment or otherwise, as perjury, in a court of record, may now be prosecuted, and being thereof convicted, he shall incur and suffer the pains and penalties which by law are or may be inflicted in cases of wilful and corrupt perjury.

Sheriff, returning officer, &c. swearing falsely, guilty of perjury;

on conviction liable to penalties of perjury.

s. 75. And be it further enacted, That all pecuniary penalties inflicted by this act, shall be recovered, with full costs, by action of debt, bill, plaint or information, in any of his majesty's courts of record at Dublin; and that it shall be sufficient for the plaintiff in any such action of debt or information, to set forth in the declaration, that the defendant is indebted to him in the sum of five hundred pounds, and to allege the particular offence for which such action or information is

Pecuniary penalties recovered with full costs;

what sufficient for plaintiff to set forth; what sufficient on an indictment for any offence;

brought, and that the defendant hath therein acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and that it shall be sufficient, in any indictment for any offence contrary to this act, to allege the particular offence, and that the defendant is guilty, without mentioning the writ of summons to parliament, or the return thereof; and that upon trial of any issue in any such action, information, or indictment, the plaintiff, informer, or prosecutor, shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant to the sheriff, grounded upon such writ of summons.

plaintiff, &c. not obliged to prove the writ of summons, &c.

Treble costs in nonsuit.

s. 76. And be it further enacted, That in case the plaintiff or informer, in any action or information given by this act, shall discontinue or be nonsuited, or judgment shall be given against him, the defendant shall recover treble costs.

Any person, except returning officer, C. of peace or treasurer, offending against this act, and informing within twelve months against any other person guilty of like offence, exempted from penalties.

s. 77. And be it further enacted by the authority aforesaid, That if any person, except a returning officer, clerk of the peace or treasurer, offending against this act, shall, within the space of twelve calendar months next after such offence committed, discover any other person or persons guilty of a like offence, so that such person or persons be thereupon convicted, such person so discovering, shall be indemnified or exempted and saved harmless from all penalties and disabilities which he shall have incurred by any such offence.

Action, &c. to be commenced within one year after offence.

s. 78. Provided always, that every action, information, indictment or prosecution, grounded upon this act, be commenced within one year after the offence shall be committed.

Not to prevent voting at an election, the test for holding which shall bear date before the 1st *January*, 1797.

s. 79. Provided always, and be it enacted, That nothing in this act contained shall extend or be construed to extend to prevent any person from voting at any election for a member or members to serve in parliament, the test for holding which shall bear date before the first day of *January*, one thousand seven hundred and ninety-seven; but every person who might, by the laws in force before the passing of this act, vote at any such election, shall and may vote thereat, as fully and freely, to all intents and purposes, as if this act had not been made, subject to all and singular the clauses, conditions, oaths and regulations, prescribed in the said laws; and every returning officer and deputy shall have the like powers with respect to any such person polling, as if this act had not been made.

Persons entitled to vote at such before this act, may vote subject to the regulations of former acts.

Addition to oath by former acts, to be taken by freeholder not being an annuitant.

s. 80. Provided always, that at every such election, the words following shall be added to the oath required by the laws in force to be taken before the passing of this act, by any registered freeholder not being an annuitant, before he shall be admitted to vote, either "That the said freehold is of the yearly value of twenty pounds above all charges payable out of the same, [or that] I have been in the actual occupation of the said freehold for six successive months at the least, between the day on which I registered the same, and the day of , [naming the day of the test of the writ for holding the election,] by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof," or the

words which are allowed to be substituted in their place by the provisions of this act, in the oath herein prescribed, as the case may be, if any elector shall desire that one or other of the said form of words shall be added.

Persons under twenty-one years of age not eligible to be elected.

s. 81. And be it further enacted, That no person hereafter shall be capable of being elected a member to serve in this or any future parliament, who is not of the age of one-and-twenty years; and if any such minor, hereafter chosen, shall presume to sit or vote in parliament, he shall incur penalties and forfeitures as if he had presumed to sit and vote in parliament without being chosen or returned.

No. 76.—35 Geo. III. Ir. c. 45.

An Act that the Acceptance of the Office of a Lord Justice, or Chief Governor of this Kingdom by the Speaker of the House of Commons, shall not vacate his Seat in Parliament. A.D. 1795.

The speaker cannot vacate his seat without inconvenience to parliament; it may be the king's pleasure to appoint him one of the lords justices;

"WHEREAS the speaker of the house of commons cannot vacate his seat without much inconvenience to the business of parliament: and whereas it may be his majesty's pleasure, from time to time, to appoint the speaker of the house of commons to be one of the lords justices or chief governors of this kingdom; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That if the said speaker of the house of commons shall be at any time hereafter appointed to the office of a lord justice or chief governor of this kingdom, his seat in parliament shall not thereby become vacate, any law, usage, or statute to the contrary notwithstanding."

the speaker's seat not vacated by being appointed a lord justice.

No. 77.—36 Geo. III. Ir. c. 25.

An Act for the better and more convenient Administration of Justice, and for the Recovery of small Debts in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin, *and for continuing and amending an Act,* entitled, *An Act for the better execution of the Law and Preservation of the Peace within Counties at large.* A.D. 1796.

Salary of assistant barrister.

s. 3. And be it enacted, That the assistant barristers so to be appointed, and such as have been already appointed, shall be severally and respectively paid, out of the consolidated fund, such salaries as the lord lieutenant, or other chief governor or governors of this kingdom, for the time being, shall,

by warrant direct, not exceeding such yearly sum, as with the fees payable to such assistant barristers on civil bill decrees, renewals, and dismisses, as herein directed, as will amount to the clear net sum of four hundred pounds a year, to any of the said assistant barristers; provided that no member of the house of commons, in the present or any future parliament, shall, during the time of his being a member of the house of commons, be capable of holding the said office of such assistant barrister.

No member of the house of commons capable of holding the office.(a)

No. 78.—36 Geo. III. Ir. c. 48.

An Act to explain and amend an Act, entitled, *An Act for naturalizing such Foreign Merchants, Traders, Artificers, Artizans, Manufacturers, Workmen, Seamen, Farmers, and others, who shall settle in this Kingdom.*

A.D. 1796.

By naturalization act 19th and 20th *Geo.* 3. all foreigners who should settle in this kingdom, and take the oaths thereby prescribed, were to be deemed natural subjects.

"Whereas by an act made in this kingdom, in the nineteenth and twentieth years of his present majesty, entitled, *An act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others, as shall settle in this kingdom*, it is enacted, That all foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers and others, who should transport him, her, or themselves, to settle in any part of this kingdom, shall, after his, her, or their arrival within this kingdom, and after his, her, or their taking the oath therein prescribed, (or affirmation if a Quaker,) before the chief magistrate of any city or town corporate, for the time being, shall be deemed, adjudged, and reputed a liege, free, and natural subject, or subjects of this kingdom, in every respect, condition, and degree, to all intents, constructions and purposes, as if he, she, or they had been, or were born within this kingdom, any law or statute to the contrary notwithstanding, whilst he, she, or they shall reside in this kingdom: and whereas several persons with large personal fortunes have transported themselves to settle in this kingdom; and several persons possessing large personal properties have been for some years last past, resident in this kingdom, and are desirous to settle therein, and to lay out large sums of money in the purchase of lands in this kingdom, provided they shall be naturalized, and thereby enabled or entitled to make such purchases: and whereas some doubts have arisen, whether such persons, not being of the description of merchants, manufacturers, tradesmen, seamen, or farmers, would be, under the words or spirit of the said recited clause, entitled to the benefit of the said act: therefore

Several persons of large property are desirous to settle here, &c.

doubts whether such persons would be entitled to the benefit of said act.

(a) See the 27 *Geo.* 3. *Ir. c.* 40, *s.* 16, a similar clause.

be it enacted and declared, That all and every foreign person or persons of whatsoever description, who now is, or are resident in this kingdom, or shall hereafter transport him, her, or themselves, to settle in any part of this kingdom, after his, her, or their taking the oath (or affirmation if a Quaker,) prescribed by the said recited act of the nineteenth and twentieth years of his present majesty, before the chief magistrate of any city or town corporate in this kingdom, for the time being, who is hereby authorized to administer such oath or affirmation unto such person or persons, and thereupon to certify in writing, under his hand, his, her, or their doing thereof, unto his majesty's high court of chancery, therein to remain on record, shall be deemed, adjudged, and reputed liege, free, and natural subject or subjects of this kingdom, in every respect, condition and degree, to all intents, constructions and purposes, as if he, she, or they had been, or were born within this kingdom; and such person and persons shall be entitled to take, hold, and enjoy any lands, tenements, hereditaments and premises in this kingdom, either by purchase, descent or otherwise, as a natural born subject of this kingdom could take, hold, and enjoy the same, any law or statute to the contrary notwithstanding.

All foreigners who take the oath or affirmation prescribed by said act, &c. shall be deemed natural subjects, and shall enjoy lands, &c. &c.

s. 2. Provided always, That no person, of any description whatsoever, shall be entitled to the benefit of this act, or of said recited act, who shall not previously have obtained a license from the chief governor or chief governors for the time being, in council, of his or her being a fit and proper person to be naturalized; which license he or she shall produce to such magistrate before he shall administer, or be authorized to administer the said oath; and the said license shall be filed with the magistrate's certificate in the court of chancery, there to remain on record.

Foreigners shall obtain licenses, which they are to produce before they take the oath or affirmation.

s. 3. Provided always, That nothing herein contained, shall be construed to extend to qualify any such person to be a member of his majesty's most honourable privy council, or to sit or vote in either house of parliament, or to hold any office or place of trust under his majesty, his heirs or successors.

Not to be privy councillors, nor to sit or vote in parliament, &c

No. 79.—36 GEO. III. IR. c. 55.

An Act for the Amendment of Publick Roads, for directing the Power of Grand Juries respecting Presentments, and for repealing several Laws heretofore made for those Purposes. A.D. 1796.

s. 95. And whereas doubts may arise, whether the grand jury cess imposed previous to the expiration of any lease, but not levied until after the expiration of such lease, is to be paid by the tenant whose lease is expired, or to remain a charge on

Grand jury cess shall be paid by person occupying when levied, although not oc-

cupying when cess was imposed.

the lands, and to be paid by the actual occupier thereof, at the time of the same being levied; be it further enacted, That every grand jury cess shall be paid by the person or persons occupying the land at the time such cess is levied thereout, although such person or persons did not occupy the same at the time such cess was imposed.

No. 80.—37 Geo. III. Ir. c. 30.

An Act for better regulating the Collection of His Majesty's Revenue, and for preventing Frauds therein, and for Repealing an Act, &c. [36 *Geo. III. Ir. c.* 35, *&c.*]

A.D. 1797.

[This act, *ss.* 181, &c. contains clauses similar to those of the 33 *Geo. III. Ir. c.* 37, *ante* p. 88, (*a*), enabling the commissioners of the revenue to purchase ground for light-houses, &c.]

In places herein described, within cities, boroughs, &c. no more shall be demised than light-houses, &c. stand on.

s. 182. Provided always, That if such land be any part of any fair-green, or market-place, or within the precincts of any city, town corporate, borough, or manor, having a right to return citizens or burgesses to parliament, or of any quay, pier, or dock, or any part of any town, or village actually built upon, any part of a demesne, or of any lawn, garden, orchard, yard, planted walk, or avenue to a house, or of any park or paddock for deer, not more of such land shall be demised than is absolutely necessary for such light-houses or watch-houses to stand or be erected on.

Persons inhabiting such light-houses, &c. shall not acquire a right of voting thereby.

s. 183. Provided always, That no officer or officers, or other person or persons residing in or inhabiting such light-house or light-houses, watch-house or watch-houses, shall have, acquire, or exercise any right of voting for members to serve in parliament, for or by reason of such inhabiting or residence.

(*a*) The 6 *Geo.* 4. *c.* 105, for repealing the several laws relating to the customs, does not mention these acts of the 35 and 37 *Geo.* 3. The 6 *Geo.* 4. *c.* 106, for the management of the customs (in operation from 1st *January*, 1826) contains clauses (*ss.* 35, &c.) vesting all lands &c. already taken in the names of any persons for the use and service of his majesty's customs, in the secretaries of the customs for the time being, with clauses for vesting in them, in like manner, lands to be purchased as thereby directed, according to the respective *nature* and *quality* of the said lands, &c. and the several estates and interests of and in them, in trust for such service, and with power to sell, demise, &c. This act does not contain clauses against the right of voting, &c.

No 81.—37 GEO. III. IR. c. 47.

An Act for the further Regulation of the Election of Members to serve in Parliament.(a) A.D. 1797.

Recital 35 *G.* 3.

"WHEREAS an act passed in the thirty-fifth year of his present majesty's reign, entitled, *An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned*; and it is necessary to explain and amend the same; be it enacted, &c. That when any person seized of a freehold, not consisting of a rent-charge, shall desire to register it, as being of the value of fifty pounds, or twenty pounds, the following oath may be taken by him, instead of the oath prescribed by the said act, that is to say:

the following oath shall be taken by a 50*l.* or 20*l.* freeholder, not a rent-charger.

I of in the county of or of the town or city of (as the case may be,) do swear, or if a quaker, do affirm, that I am a freeholder of and that I have a freehold therein arising from a house or houses, and land, or both, or other hereditaments, (as the case may be) of the clear yearly value of twenty pounds, or fifty pounds, (as the case may be) above all charges payable out of the same, lying and being at (naming the parish or parishes, or the town-land or town-lands, and barony or half-baronies, wherein it is situated, which words, town-land or town-lands, barony or baronies of need not be named, if the freehold be in the county of a town or city) in this county, and that the said freehold does not arise from a rent-charge, nor have I procured it fraudulently, nor has it been granted fraudulently to me, or in exchange for a freehold in any other county, any thing in the said act contained to the contrary notwithstanding; and that no freehold of fifty pounds, or twenty pounds a year, registered since the passing of the said act, shall be deemed to be unduly or not properly registered, on account of the omission in the oath or affirmation taken or made, in order to register the same, of all or any of the following words, that is to say, and that I am in the actual occupation thereof, by residing thereon, or by tilling or grazing, to the amount at least of forty shillings yearly value thereof, and that the said freehold is not set, or agreed to be set, nor do I intend to set the same to the person or persons from whom I hold it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, and that I have not agreed to set it for the the term for which I hold it.

Oath. See 35 *Geo.* 3. *c.* 29, *s.* 36, *and* 2, 3 *Will.* 4. *c.* 88. *Sched.* (*C.*) 4.

50*l.* or 20*l.* freeholds not deemed unduly registered on account of the omission of the words herein recited.

s. 2. And be it enacted, that no person having a freehold of the yearly value of fifty pounds, or twenty pounds, who shall have set, or agreed to set the same to the person or per-

50*l.* or 20*l.* freeholders, who have set or agreed to set

(a) So much of this act as relates to elections for members for *counties of cities*, and *counties of towns*, is expressly repealed by the 4 *Geo.* 4. *c.* 55.

such freeholds, as herein, shall not vote unless they register under this or recited act, one year before election. See 2, 3 *Will.* 4. *c.* 88, *s.* 29.

sons from whom he holds it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her or them, or who has set, or agreed to set the same, the whole of the same, or more thereof than shall leave a sufficiency to constitute such freehold for the term for which he holds it, shall be permitted to vote at any election by virtue of the said freehold, unless he shall have registered the same according to the provisions of the said recited act, or this present act, one whole year at the least previous to the test of the writ for holding such election.

What shall be sworn by 20*l.* or 50*l.* freeholders before they poll, if required. *But see now* 2, 3 *Will.* 4. *c.* 88, *s.* 54.

s. 3. And be it further enacted, That every person who shall offer to vote by virtue of a freehold of the value of twenty pounds or fifty pounds, shall before he shall be admitted to poll at any election, declare on oath, if required, whether he has so set, or agreed to set such his freehold, and if he shall declare he hath so set, or agreed to set the whole of the same, or more thereof than shall leave a sufficiency so set for such term to constitute such freehold, he shall also declare in like manner the time when such agreement was made; and such freeholder shall not be permitted to vote at such election by virtue of such freehold, unless it shall appear that such agreement was made and entered into one whole year at the least, previous to the test of the writ for holding such election.

Freeholders by descent, devise or marriage, shall register before test of writ;

s. 4. And be it further enacted, That no person shall be admitted to vote by virtue of a freehold which shall have come to him by descent, devise, marriage or marriage settlement, unless he shall have duly registered the same at some session of the peace, or adjournment thereof, held prior to the test of the writ, in the county, town or city, where such election shall be held, in manner and form by the said recited act, or this present act required; if it consists of a rent-charge, one year previous to the test of the writ for holding the election at which he shall offer to vote; or six months previous to such test, if it does not consist of a rent-charge.

one year if a rent-charge, six months if not a rent-charge.

Words to be inserted in a freeholder's oath under 20*l.* at time of voting.

s. 5. And be it further enacted, That in the oath to be taken at any election, by any freeholder who shall offer to vote by virtue of a freehold, registered under the yearly value of twenty pounds, the words 'by residing thereon,' or the words 'by tilling or grazing to the amount of forty shillings yearly value thereof,' shall respectively be inserted, according as they shall have been inserted in the oath taken, or affirmation made, for the registering thereof.

500*l.* penalty on clerk of peace for every poll-book which he neglects to deliver to sheriff on oath, previous to the poll: one moiety to informer, the other to grand jury.

s. 6 And be it further enacted, That if any clerk of the peace for any county, county of a city, or county of a town, shall omit or neglect to deliver in court to the sheriff, previous to the commencement of the poll, the books of registry, which, by the said act, he is required to attend with and so deliver, or shall omit to make oath respecting the same, in manner required by the said act, such clerk of the peace shall forfeit, for every book so omitted to be delivered, the sum of five hundred pounds, half of which shall be to the use of such person as shall sue for it, and the other half to

such use as the grand jury thereof shall at any subsequent assizes direct.

20*l.* penalty for taking more than 1*s.* for providing an affidavit and certificate of registry.

s. 7. And be it enacted, That there shall be allowed to every acting clerk of the peace, for providing and preparing an affidavit and certificate of registry if required so to do, the sum of one shilling and no more; and that any clerk of the peace, attorney, or other person whatever, who shall demand, receive, or take, on any pretence whatsoever, for providing and preparing any such affidavit and certificate, more than the above sum of one shilling, shall, for every such offence, forfeit the sum of twenty pounds, to any person who shall sue for the same, to be sued for and recovered in like manner as any of the penalties in said recited act is suable for and recoverable.

Freeholders on actual service in army or militia, may register where they are quartered, in manner herein directed.

s. 8. And be it enacted, That if any person seized of a freehold, whether consisting of a rent-charge or not, shall be on actual service, either in the army or militia, out of the county, town, or city where such freehold lies, and shall take and subscribe the oath or affirmation required, by said recited act, or this present act, to be by him taken for registering such freehold, at any sessions of the peace, or adjournment thereof, held in the county, town, or city in which he shall be quartered or stationed, stating therein the regiment, battalion, troop, or company [as the case may be] to which he belongs; such affidavit shall be subscribed by two of the justices of the peace presiding thereat, and countersigned by the clerk of the peace for such county, town, or city, who shall certify that the corps in which he serves is quartered or stationed therein; and such oath or affirmation so subscribed and countersigned, may be produced at any session of the peace, or adjournment thereof, or at any adjournment of an adjournment, held in the county, town, or city in which such freehold lies; and when read aloud there in open court, shall be signed by two of the justices of the peace presiding there, and shall be delivered to the acting clerk of the peace, to be filed and kept amongst the records of the county; and every such oath or affirmation so taken, shall be of equal effect for registering such freehold, as if it had been made at the sessions of the peace for the county in which such freehold is situated, provided such affidavit shall have been so filed the same length of time previous to the test of the writ, as by the last act, or this present act, such freehold is required to be registered, in order to entitle such person to vote.

Such affidavits to be filed same length of time, as by last or present act required, previous to test of writ.

What shall be deemed a market town.

s. 9. And to prevent doubts about the validity of sessions for registering freeholds, be it declared, That any town for the holding of a market, in which his majesty's letters patent have been granted, or shall hereafter be granted, or wherein markets have been held by prescription, shall be deemed a market-town, and is a market town within the meaning of the said recited act, whether markets are or shall be held therein or not.

All sessions and

s. 10. And be it enacted, That all sessions, or adjourn-

adjournments deemed valid, although no sheriff attended;

ments thereof, or adjournments of adjournments, shall be deemed good and valid within the meaning of the said recited act, and this present act, although no sheriff or sub-sheriff shall have attended, or shall attend at such sessions or such adjournments.

Registry not to be impeached for irregularity in sessions.

s. 11. And be it further enacted, That the registry of any freehold shall not be impeached on account of any irregularity in the holding or adjourning of any sessions from whence the sessions at which such freehold shall have been registered shall have been adjourned, either directly or by any adjournment of adjournments, provided such latter session shall have been duly and regularly held in all other respects.

Where a deputy cannot determine whether a person has a right to vote or not, he may send to the sheriff, who shall receive or reject such vote.

s. 12. And be it further enacted, That in case a question respecting the right of any person claiming to vote shall occur, which a deputy shall not think himself competent to determine, such deputy may send to the sheriff or sheriffs who shall preside at such election, stating his not thinking himself competent to determine such person's right of voting, in every which case such sheriff or sheriffs shall take such person's poll, and receive or reject his vote, according as he shall be qualified or not to vote at such election, either in the booth, building, or other place, where he or they shall take the poll, or in the booth, building, or other place appropriated to such deputy, as he or they shall judge most expedient, any thing in the said act to the contrary notwithstanding.

Returning officers and deputies may administer all oaths to persons who have registered their freeholds, where required.

s. 13. And be it further enacted, That every returning officer and officers and every deputy, shall have full power, and he and they are hereby authorized to administer all oaths and affirmations allowed or required by the said recited act, or this present act, to be administered at any election for a member or members to serve in parliament, but not to any person until it shall appear that he has duly registered his freehold where such freehold is required to be registered, in order to entitle him to vote.

Where there are two sheriffs, and an equal number of votes, the senior in appointment shall have the casting voice, if present.

s. 14. And whereas it is enacted by the said act, That in case of an equality of voices for any two or more candidates at any election, the returning officer shall be obliged to give a casting voice; Be it enacted, That in counties of towns or cities where two sheriffs preside as returning officers, the sheriff whose name stands first in the appointment to the office shall, if he be present, give such casting voice.

Registries not improper on account of being unstamped, or not read aloud in court.

s. 15. And be it enacted and declared, That no person shall be deemed unduly or not properly registered, on account of the affidavit for such registry not being on stamped paper, or on account of such affidavit not having been read aloud in open court.

Words to be omitted where a rent-charge is not granted by deed.

s. 16. And be it enacted, That in the oath required to be taken by a rent-charger, either for the purpose of registering his freehold, or when he shall offer to poll, the words, 'granted by deed bearing date the day of , in the year ,' may be omitted in case such rent-charge shall not have been

granted by deed, and the particulars of the title of such person to such rent-charge shall be inserted in the room thereof.

By 35 *G.* 3. c. 29. s. 31. townlands, baronies, &c. are directed to be named:

s. 17. And whereas in several counties of cities and counties of towns in this kingdom, the denominations of townlands, or baronies, are not in use; and whereas by the act of the 35th of his present majesty, [chap. 29. sect. 31.] the town-land or town-lands, and barony or half-barony, or baronies or half-baronies wherein the freehold is situated, are directed to be named in the oath for registering the same; Be it declared and enacted, That the registry of any freehold situated in any county of a city, or county of a town in which the denominations of town-lands or baronies are not in use, shall be to all intents good and effectual, although the affidavit of registry does not name any town-land or town-lands, barony or half-barony, baronies or half-baronies, in which such freehold is situated; and that in the oath to be taken by such freeholder before the returning officer, or his deputy, at the time of election, it shall not be necessary either to name the town-land, or barony or half-barony, provided the freehold out of which such freeholder claims to vote, shall be situated in any county of a city, or county of a town, in which the denomination of town-lands or baronies are not in use.

Registry of a freehold in a county of a city or of a town, where denominations of town-lands or baronies are not in use, shall be effectual, although town-lands, &c. are not named;

Oath to be taken by persons offering to vote, if quired by a candidate or elector.

s. 18. And be it further enacted, That if any candidate or elector shall desire it, every person offering to vote at any election, shall, before he be admitted to vote, take the oath following:—

'I *A. B.* do swear [or if a Quaker, do affirm,] that I am, to the best of my belief, of the age of twenty-one years.'

Which oath or affirmation every returning officer or officers, or his or their deputy or deputies, are hereby required and empowered to administer, either by itself, or in addition to any other oath or affirmation which may be tendered to such elector.

Papists who have taken and subscribed the oaths and declarations herein named, previous to test of writ, deemed to have taken oaths and declarations to entitle them to vote.

s. 19. And be it enacted and declared, That any Papist or person professing the Roman Catholic religion, who shall have taken and subscribed, or who shall hereafter take and subscribe; at any time previous to the test of the writ for holding the election at which such person shall offer to poll, the oaths and declarations contained in an act passed in the thirteenth and fourteenth years of his present majesty's reign, entitled, *An Act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him,* and also an act passed in the thirty-third year of his present majesty's reign, entitled, *An Act for the relief of his majesty's Popish, or Roman Catholic subjects of* Ireland, in some one of his majesty's four courts, in *Dublin,* or at the general sessions of the peace, or at any adjournment thereof, or at any adjournment of an adjournment thereof, to be holden for the county, city, or town, wherein such Papist, or person professing the Roman Catholic religion, doth inhabit and dwell, or before the going judge or judges of assize in the county wherein such Papist, or person professing the Roman Catholic reli-

gion, doth inhabit and dwell, in open court, shall be deemed to have taken and subscribed such oaths and declarations within the meaning of said last-recited act, and this present act, in order to entitle him to vote at such election: Provided always, that nothing herein contained shall extend to entitle such person to vote, unless he shall produce to the sheriff, or other returning officer, a certificate of his having taken and subscribed said oaths and declaration, as by said act and this present act required.

Such persons shall produce certificates to sheriffs.

Election of persons under 21 years shall be void, and new writs issued.

s. 20. And be it enacted, That every election or return of any person to serve in parliament, who shall be under the age of twenty-one years, shall be deemed null and void, and that if it shall be determined by any committee of the house of commons, who shall try any petition presented against any such election or return, that such person was under the age of twenty-one years on the day of such election, a new writ shall forthwith issue for the election of another person in his place.

No. 82.—38 Geo. III. Ir. c. 2.

An Act for the Amendment of the Law in Proceedings upon Information in Nature of quo warranto.

A.D. 1798.

Preamble.

s. 1. "Whereas it would tend greatly to secure the freedom of election, and the quiet, tranquillity and good order of cities, boroughs, and towns corporate if a certain reasonable limitation of time were by law established, beyond which no member or officer of any city, borough, or town corporate, should be disturbed in the enjoyment or exercise of his office or franchise: be it therefore enacted, &c., That after the first day of *Easter* term, in the year 1798, it shall and may be lawful for the defendant or defendants to any information, in the nature of a *quo warranto*, for the exercise of any office or franchise, in any city, borough, or town corporate, whether exhibited with leave of the court, or by his majesty's attorney-general, or other officer of the crown, on behalf of his majesty, by virtue of any royal prerogative, or otherwise, and every of them, severally and respectively, to plead that he or they had first actually taken upon themselves, or held, or executed the office or franchise, which is the subject of such information six years or more before the exhibiting of such information, such six years to be reckoned and computed from the day on which such defendant or defendants so pleading, shall have been actually admitted and sworn into such office or franchise; which plea shall or may be pleaded either singly, or together with and besides such plea as he or they might have lawfully pleaded before the passing of this act, or such several pleas as the court on motion shall allow; and if upon

From the 1st day of *Easter* term, 1798, defendants to informations, in the nature of *quo warranto*, may plead having undertaken or executed office or franchise six years before; to be computed from time of admission or swearing;

such plea may be singly pleaded, or otherwise;

if issue be found

the trial of such information, the issue joined upon such plea shall be found for the defendant or defendants, or any of them, he or they shall be entitled to judgment, and to such and the like costs, as he or they would by law have been entitled to, if a verdict and judgment had been given for him or them upon the merits of his or their title.

for defendant, he shall have judgment and costs;

s. 2. Provided always, and be it enacted, That in every such case, the prosecutor of such information may reply to such plea any forfeiture, surrender, or avoidance, by the defendant, of such office or franchise happening within six years before the exhibition of such information, whereon the defendant may take issue, and shall be entitled to costs in manner aforesaid.

Prosecutor may reply to such pleas.

s. 3. And be it further enacted by the authority aforesaid, That if any person or persons against whom any such information as aforesaid, shall be exhibited, shall derive title under an election, nomination, swearing into office, or admission by any person or persons, the title of such person or persons against whom such information shall be exhibited, shall not be defeated or affected by reason, or on account of any defect in the title of such person or persons so electing, nominating, swearing into office, or admitting, in case such person or persons under whom title shall be derived as aforesaid, shall have been in exercise *de facto*, of the franchise or office, (in virtue of which he or they so elected, nominated, swore in, or admitted) for the space of six years at the least previous to the time of filing such information, and his or their title shall not have been questioned by any legal proceeding, carried on with effect.

In what case titles of persons against whom informations are exhibited, shall not be affected by reason of defects in titles of persons electing, &c.

No. 83.—38 GEO. III. IR. c. 20. (*a*)

An Act to shorten the Time now required for giving Notice of the Royal Intention of His Majesty, His Heirs and Successors, that the Parliament shall meet and be holden for the Dispatch of Business, and more effectually to provide for the Meeting of Parliament, in Case of a Demise of the Crown. A.D. 1798.

" s. 1. WHEREAS it is expedient to shorten the time now required, for giving notice of the royal intention of his majesty, his heirs and successors, that the parliament shall meet and be holden for the dispatch of business; be it therefore enacted, &c. That whenever his majesty, his heirs or successors, shall be pleased, by and with the advice of the privy council of his majesty, his heirs or successors, to issue his or their royal proclamation, giving notice of his or their royal intention that parliament shall meet and be holden for the dispatch of busi-

Preamble.

14 days notice of the meeting of parliament, by proclamation of king and council, shall be sufficient, notwithstanding

(*a*) See the 1 *Geo.* 2. *Ir. c.* 7. *s.* 4; *ante* pp. 60, 61, and notes, *ibid.*

any previous prorogation, &c.

ness on any day being not less than fourteen days from the date of such proclamation, the same shall be a full and sufficient notice to all persons of such the royal intention of his majesty, his heirs and successors, and the parliament shall thereby stand prorogued to the day and place therein declared, notwithstanding any previous prorogation of the parliament to any longer day, and notwithstanding any former law, usage, or practice to the contrary.

Recited clause 1 *Geo.* 2. relative to the meeting of parliament, on the demise of the king, hereby repealed.

s. 2. And whereas by an act made in the first year of his late majesty, King *George* the second, entitled, *An act to continue the parliament for the time being, on the demise of his said majesty, or any of his heirs or successors, for the term of six months from the day of the said demise, and likewise to prevent the publick funds from expiring during said term,* it is amongst other things enacted, that in case there is no parliament in being, at the time of the demise of his said majesty, his heirs or successors, that hath met and sat, then the last preceding parliament shall and may convene and sit, and be a parliament, to continue as therein is mentioned, to all intents and purposes, as if the same parliament had never been dissolved, but subject to be prorogued and dissolved as therein provided: and whereas great inconvenience may arise from the said provision; be it enacted by the authority aforesaid, that so much of the said act as is herein before recited, shall be, and the same is hereby repealed.

If the demise of his majesty happens between the expiration or dissolution of a parliament, and the meeting of a new one, then the late parliament shall convene, and continue for six months, but subject to prorogation or dissolution by successor.

s. 3. And be it further enacted by the authority aforesaid, That in case of the demise of his majesty, his heirs or successors, subsequent to the dissolution or expiration of a parliament, and before the day appointed by the writs of summons for assembling a new parliament, then and in such case the last preceding parliament shall immediately convene and sit at *Dublin*, and be a parliament, to continue for and during the space of six months, and no longer, to all intents and purposes, as if the same parliament had not been dissolved or expired, but subject to be sooner prorogued or dissolved by the person to whom the crown shall come, remain, and be, according to the acts for limiting and settling the succession to the same.

If the demise of his majesty's successor, happens within six months, and before a new parliament meets, such parliament shall sit six months longer, but subject to prorogation or dissolution by successor.

s. 4. And be it further enacted by the authority aforesaid, That in case of the demise of any such his majesty's heir or successor, within the said period of six months, limited for the duration of the said last preceding parliament, and before the same shall have been dissolved by such his majesty's heir or successor, or after the same shall have been so dissolved, and before a new parliament shall have met, in the manner herein after provided, then and in every such case, the said last preceding parliament shall immediately convene and sit, and continue to be a parliament to all intents and purposes, for and during six months longer, to be computed from and immediately after such last mentioned demise; but subject to be sooner prorogued or dissolved by the person who shall then succeed, as aforesaid, to the crown, and so as often as any such

demise shall happen before a new parliament shall have met, in manner herein after provided.

s. 5. And be it further enacted by the authority aforesaid, That in case of the demise of his majesty, his heirs or successors, on the day appointed by the writs of summons for calling and assembling a new parliament, or at any time after such day so appointed, and before such new parliament shall have met and sat, such new parliament shall immediately after such demise, convene and sit at *Dublin*, and be a parliament to all intents and purposes, to continue for and during the term of six months, and no longer, but subject to be sooner prorogued or dissolved as aforesaid."

If demise happens on day appointed for new parliament, or after it, such parliament shall sit six months, as before.

No. 84.—38 GEO. III. IR. c. 36.

An Act for amending an Act passed in the Thirty-third Year of His Majesty's Reign, entitled, *An Act for securing the Freedom and Independence of the House of Commons, by excluding therefrom Persons holding any Offices under the Crown, to be hereafter created, or holding certain Offices therein enumerated, or Pensions for Terms of Years, or during His Majesty's Pleasure.* A.D. 1798.

"WHEREAS by an act passed in the thirty-third year of his majesty's reign, entitled, *An act for securing the freedom and independence of the house of commons, by excluding therefrom persons holding any offices under the crown to be hereafter created, or holding certain offices therein enumerated, or pensions for terms of years, or during his majesty's pleasure*, it is enacted, That if any person being chosen a member of the house of commons, shall, after the thirty-first day of *December*, one thousand seven hundred and ninety-three, accept any office of profit from the crown, during such term as he shall continue a member, his seat shall thereupon become vacant, and a writ shall issue for a new election: and whereas to obtain the object of the said act, it is necessary that the seats of members should be vacated by accepting offices from the chief governor or chief governors of this kingdom, in the same manner as if the same were accepted immediately and directly from the crown; be it therefore enacted, &c. That if any person being chosen a member of the house of commons, shall, from and after the passing of this act, accept any office of profit from, or by the nomination or appointment, or by any other appointment, subject to the approbation of the lord lieutenant, lord deputy, lord justice or lord justices, or other chief governor, or governors of this kingdom, his seat shall thereupon become vacant, and a writ shall issue for a new election; provided nevertheless, that such person shall be capable of being again elected, to be a member of the house of commons, for the place for which he had been a member, or any other place sending members to the house of commons.

By 33 *Geo.* 3. any member accepting a place of profit under the crown shall vacate his seat.

Members who accept offices of profit, subject to approbation of lord lieutenant, &c. shall vacate their seats; but such persons may be re-elected.

No. 85.—38 Geo. III. Ir. c. 61 (*a*).

An Act for better enforcing the Execution of the Act made for the Trial of controverted Etections of Members to serve in Parliament, by disqualifying certain Persons who have endeavoured to obstruct the due Execution thereof, from voting at any Election hereafter. A.D. 1798.

Gilbert Roycroft, Richard Tyler, sen. *Richard Tyler,* jun. and *Edward Jones,* acted contumaciously;

"Whereas *Gilbert Roycroft* of *Deansfort,* county of *Roscommon, Richard Tyler,* senior, *Richard Tyler,* junior, and *Edward Jones,* all of *Roscommon,* did as far as lay in their power, endeavour to obstruct the beneficial effect of the laws for securing the freedom of elections and the rights of electors of members to serve in parliament, by contumaciously withstanding every process to compel them to give evidence before the select committee of the house of commons appointed to try the merits of the late election for the county of *Roscommon*: be it therefore enacted, &c. That the said *Gilbert Roycroft, Richard Tyler,* senior, *Richard Tyler,* junior, and *Edward Jones,* shall be for such their conduct, disqualified, and they are hereby disqualified for ever hereafter from voting at any election for any member or members to serve in parliament in this kingdom; and if any sheriff or other returning officer or officers, shall accept at any such election the vote of any of the said persons, or permit his poll to be entered on the poll-book, such vote and entry shall be void, and such sheriff, or other returning officer or officers, shall forfeit the sum of five hundred pounds, to be recovered by action, bill, plaint, or information, in any of his majesty's courts of record in this kingdom, to the use of any person who shall sue for the same, in which no essoign or wager at law, nor more than one imparlance shall be allowed."

said persons are hereby for ever disqualified from voting at any election;

500*l.* penalty on returning officer for accepting a vote from any of them, and vote void.

No. 86.—40 Geo. III. Ir. c. 29.

An Act to regulate the Mode by which the Lords Spiritual and Temporal, and the Commons to serve in the United Kingdom on the Part of Ireland, *shall be summoned and returned to the said Parliament.*

[This act, which is generally called the "representation act," is incorporated *verbatim* in the acts of union, 40 *Geo. III. Ir.* c. 38, 39, 40 *Geo. III. G. B. c.* 67.]

(*a*) See the 23, 24 *Geo.* 3. *Ir. c.* 59, disqualifying *Philip* Lord *Strangford* from sitting in the house of Lords, on account of corruption.

No. 87.—40 GEO. III. IR. c. 34.

An Act for granting Allowances to Bodies Corporate and Individuals, in respect to those Cities, Towns, and Boroughs, which shall cease to send any Member to Parliament after the Union, and to make Compensation to those Persons whose Offices may thereby be discontinued or diminished in Value. 1st *August*, 1800.

[The preamble states that it was "just and equitable" to make such allowances; the 8th section settled the allowance to be awarded by the commissioners to any body corporate, or individual or individuals in respect of each city, corporation, or borough, ceasing to return any member, at £15,000 in the whole, and no more; and the 12th section enacted that £1,400,000 should be granted to his majesty for the purposes of the act.]

No. 88.—40 GEO. III. IR. c. 38 (*a*).

An Act for the Union of Great Britain *and* Ireland. 1st *August*, 1800.(*b*)

The parliaments of *Great Britain* and *Ireland* have resolved to concur in measures for uniting the two kingdoms.

s. 1. "WHEREAS in pursuance of his majesty's most gracious recommendation to the two houses of parliament in *Great Britain* and *Ireland* respectively, to consider of such measures as might best tend to strengthen and consolidate the connexion between the two kingdoms, the two houses of the parliament of *Great Britain*, and the two houses of the parliament of *Ireland* have severally agreed and resolved, that in order to promote and secure the essential interests of *Great Britain* and *Ireland*, and to consolidate the strength, power, and resources of the *British* empire, it will be advisable to concur in such measures as may best tend to unite the two kingdoms of *Great Britain* and *Ireland*, into one kingdom, in such manner, and on such terms and conditions, as may be established by the acts of the respective parliaments of *Great Britain* and *Ireland*.

Said parliaments have agreed upon following articles.

And whereas in furtherance of the said resolution, both houses of the said two parliaments respectively have likewise agreed upon certain articles for effectuating and establishing the said purposes in the tenor following:

ARTICLE FIRST.

That it be the first article of the union of the kingdoms of *Great Britain*

(*a*) The 39, 40 *Geo.* 3. *G. B.* c. 67, is in the same words.
(*b*) All the remaining acts of this session bear date ("royal assent given,") the same day.

and *Ireland* to be united for ever from 1st *Jan.* 1801.

Great Britain and *Ireland* that the said kingdoms of *Great Britain* and *Ireland*, shall, upon the first day of *January*, which shall be in the year of our Lord one thousand eight hundred and one, and for ever, be united into one kingdom, by the name of "*The United Kingdom of* Great Britain *and* Ireland," and that the royal stile and titles appertaining to the imperial crown of the said united kingdom and its dependencies, and also the ensigns, armorial flags and banners thereof, shall be such as his majesty by his royal proclamation under the great seal of the united kingdom shall be pleased to appoint.

ARTICLE SECOND.

Succession to the crown to continue as at present.

That it be the second article of union, that the succession to the imperial crown of the said united kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the imperial crown of the said kingdoms of *Great Britain* and *Ireland* now stands limited and settled, according to the existing laws, and to the terms of union between *England* and *Scotland*.

ARTICLE THIRD.

One parliament.

That it be the third article of union, that the said united kingdom be represented in one and the same parliament, to be stiled "The parliament of the united kingdom of *Great Britain* and *Ireland*."

ARTICLE FOURTH.

4 spiritual and 28 temporal lords to sit for *Ireland*, and 100 commoners.

That it be the fourth article of union that four lords spiritual of *Ireland*, by rotation of sessions, and twenty-eight lords temporal of *Ireland*, elected for life by the peers of *Ireland*, shall be the number to sit and vote on the part of *Ireland* in the house of lords of the parliament of the united kingdom, and one hundred commoners, (two for each county of *Ireland*, two for the city of *Dublin*, two for the city of *Cork*, one for the university of Trinity College, and one for each of the 31 most considerable cities, towns, and boroughs) be the number to sit and vote on the part of *Ireland* in the house of commons of the parliament of the united kingdom.

The representation act 40 *Geo.* 3. *Ir. c.* 29, shall be considered as part of the union.

That such act as shall be passed in the parliament of *Ireland* previous to the union, "to regulate the mode by which the lords spiritual and temporal, and the commons to serve in the parliament of the united kingdom on the part of *Ireland*, shall be summoned and returned to the said parliament," shall be considered as forming part of the treaty of union, and shall be incorporated in the acts of the respective parliaments, by which the said union shall be ratified and established.

Rotation and election of lords spiritual and temporal.

That all questions touching the rotation or election of lords spiritual or temporal of *Ireland* to sit in the parliament of the united kingdom, shall be decided by the house of lords thereof; and whenever by reason of an equality of votes in

the election of any such lords temporal, a complete election shall not be made according to the true intent of this article, the names of those peers for whom such equality of votes shall be so given, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the parliaments, at the table of the house of lords, whilst the house is sitting, and the peer or peers, whose name or names shall be first drawn out by the clerk of the parliaments, shall be deemed the peer or peers elected, as the case may be.

Irish peers who are not elected to as peers, may serve as *British* commoners, during which time they cannot be elected to serve as peers.

That any person holding any peerage of *Ireland* now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city, or borough of *Great Britain*, in the house of commons of the united kingdom, unless he shall have been previously elected as above to sit in the house of lords of the united kingdom, but that so long as such peer of *Ireland* shall so continue to be a member of the house of commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of *Ireland*, or of voting at any such election, and that he shall be liable to be sued, indicted, proceeded against, and tried as a commoner, for any offence with which he may be charged.

Creation of *Irish* peers.

That it shall be lawful for his majesty, his heirs and successors, to create peers of that part of the united kingdom, called *Ireland*, and to make promotions in the peerage thereof, after the union, provided that no new creation of any such peers shall take place after the union, until three of the peerages of *Ireland*, which shall have been existing at the time of the union, shall have become extinct, and upon such extinction of three peerages, that it shall be lawful for his majesty, his heirs, and successors, to create one peer of that part of the united kingdom, called *Ireland*, and in like manner, so often as three peerages of that part of the united kingdom, called *Ireland*, shall become extinct, it shall be lawful for his majesty, his heirs and successors, to create one other peer of the said part of the united kingdom; and if it shall happen that the peers of that part of the united kingdom, called *Ireland*, shall by extinction of peerages, or otherwise, be reduced to the number of one hundred, exclusive of all such peers of that part of the united kingdom, called *Ireland*, as shall hold any peerage of *Great Britain*, subsisting at the time of the union, or of the united kingdom created since the union, by which such peers shall be entitled to an hereditary seat in the house of lords of the united kingdom, then and in that case it shall and may be lawful for his majesty, his heirs, and successors, to create one peer of that part of the united kingdom, called *Ireland*, as often as any one of such one hundred peerages shall fail by extinction, or as often as any one peer of that part of the united kingdom, called *Ireland*, shall become entitled by descent or crea-

tion to an hereditary seat in the house of lords of the united kingdom, it being the true intent and meaning of this article, that at all times after the union, it shall and may be lawful for his majesty, his heirs, and successors, to keep up the peerage of that part of the united kingdom, called *Ireland*, to the number of one hundred, over and above the number of such of the said peers as shall be entitled by descent or creation to an hereditary seat in the house of lords of the united kingdom.

In what cases peerages may be deemed extinct.

That if any peerage shall at any time be in abeyance, such peerage shall be deemed and taken as an existing peerage, and no peerage shall be deemed extinct, unless on default of claimants to the inheritance of such peerage, for the space of one year from the death of the person who shall have been last possessed thereof, and if no claim shall be made to the inheritance of such peerage, in such form and manner as may from time to time be prescribed by the house of lords of the united kingdom, before the expiration of the said period of a year, then and in that case such peerage shall be deemed extinct, provided that nothing herein shall exclude any person from afterwards putting in a claim to the peerage so deemed extinct, and if such claim shall be allowed as valid by the judgment of the house of lords of the united kingdom reported to his majesty, such peerage shall be considered as revived, and in case any new creation of a peerage of that part of the united kingdom called *Ireland*, shall have taken place in the interval, in consequence of the supposed extinction of such peerage, then no new right of creation shall accrue to his majesty, his heirs, or successors, in consequence of the next extinction which shall take place of any peerage of that part of the united kingdom, called *Ireland*.

How questions touching election of *Irish* commoners shall be decided.

That all questions touching the election of members to sit on the part of *Ireland* in the house of commons of the united kingdom, shall be heard and decided in the same manner as questions touching such elections in *Great Britain* now are, or at any time hereafter shall by law be heard and decided, subject nevertheless to such particular regulations in respect of *Ireland*, as from local circumstances the parliament of the united kingdom may from time to time deem expedient.

Qualifications as to property of *Irish* commoners shall be same as in *England*.

That the qualifications in respect of property of the members elected on the part of *Ireland*, to sit in the house of commons of the united kingdom, shall be respectively the same as are now provided by law, in the cases of elections for counties and cities, and boroughs respectively, in that part of *Great Britain*, called *England*, unless any other provision shall hereafter be made in that respect by act of parliament of the united kingdom.

How the parliament of the united kingdom shall be constituted.

That when his majesty, his heirs or successors, shall declare his, her, or their pleasure for holding the first, or any subsequent parliament of the united kingdom, a proclamation shall issue under the great seal of the united kingdom, to cause the lords spiritual and temporal, and commons, who

are to serve in the parliament thereof on the part of Ireland, to be returned in such manner as by any act of this present session of the parliament of *Ireland* shall be provided, and that the lords spiritual and temporal, and commons of *Great Britain* shall, together with the lords spiritual and temporal, and commons so returned as aforesaid on the part of *Ireland*, constitute the two houses of the parliament of the united kingdom.

In what case the present members of both houses in *G. B.* shall be members of first parliament of the united kingdom;

That if his majesty, on or before the first day of *January* one thousand eight hundred and one, on which day the union is to take place, shall declare under the great seal of *Great Britain*, that it is expedient that the lords and commons of the present parliament of *Great Britain* should be the members of the respective houses of the first parliament of the united kingdom on the part of *Great Britain*, then the said lords and commons of the present parliament of *Great Britain* shall accordingly be the members of the respective houses of the first parliament of the united kingdom on the part of *Great Britain*, and they, together with the lords spiritual and temporal, and commons so summoned and returned as above, on the part of *Ireland*, shall be the lords spiritual and temporal, and commons of the first parliament of the united kingdom, and such first parliament may, (in that case) if not sooner dissolved, continue to sit so long as the present parliament of *Great Britain* may now by law continue to sit, if not sooner dissolved: Provided always, that until an act shall have passed in the parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown in *Ireland*, shall be incapable of being members of the house of commons of the parliament of the united kingdom, no greater number of members than twenty holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons of the parliament of the united kingdom; and if such a number of members shall be returned to serve in the said house, as to make the whole number of members of the said house holding such offices or places as aforesaid more than twenty, then and in such case the seats or places of such members as shall have last accepted such offices or places shall be vacated, at the option of such members, so as to reduce the number of members holding such offices or places to the number of twenty; and no person holding any such office or place, shall be capable of being elected, or of sitting in the said house, while there are twenty persons holding such offices or places sitting in the said house; and that every one of the lords of parliament of the united kingdom, and every member of the house of commons of the united kingdom, in the first and all succeeding parliaments shall, until the parliament of the united kingdom shall otherwise provide, take the oaths, and make and subscribe the declaration, and take and subscribe the oath now by law enjoined to be taken, made and subscribed by the lords and commons of the parliament of *Great Britain*.

No more than 20 *Irish* commoners holding places shall sit in the united parliament; and if more be returned, the seats of the last shall be vacated.

Oaths to be taken as now prescribed by parliament of *Great Britain*.

Privileges, rights, rank, and precedency of lord spiritual and temporal in the imperial parliament.

That the lords of parliament on the part of *Ireland*, in the house of lords of the united kingdom, shall at all times have the same privileges of parliament which shall belong to the lords of parliament on the part of *Great Britain*, and the lords spiritual and temporal respectively on the part of *Ireland*, shall at all times have the same rights in respect of their sitting and voting upon the trial of peers as the lords spiritual and temporal respectively on the part of *Great Britain*; and that all lords spiritual of *Ireland* shall have rank and precedency next, and immediately after the lords spiritual of the same rank and degree of *Great Britain*, and shall enjoy all privileges as fully as the lords spiritual of *Great Britain* do now, or may hereafter enjoy the same, the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting on the trial of peers, excepted; and that the persons holding any temporal peerages of *Ireland*, existing at the time of the union, shall, from and after the union, have rank and precedency next, and immediately after all the persons holding peerages of the like orders and degrees in *Great Britain* subsisting at the time of the union; and that all peerages of *Ireland*, created after the union, shall have rank and precedency with the peerages of the united kingdom so created, according to the dates of their creations; and that all peerages, both of *Great Britain* and *Ireland*, now subsisting, or hereafter to be created, shall in all other respects from the date of the union be considered as peerages of the united kingdom, and that the peers of *Ireland* shall, as peers of the united kingdom, be sued and tried as peers, except as aforesaid, and shall enjoy all privileges of peers as fully as the peers of *Great Britain*; the right and privilege of sitting in the house of lords, and the privileges depending thereon, and the right of sitting on the trial of peers only excepted.

ARTICLE EIGHTH.

All civil and ecclesiastical laws and courts shall remain as now established, subject to future alterations;

writs of error and appeal decided by lords of united kingdom;

court of admiralty in *Ireland*, with appeal to chancery in *Ireland*; all contrary laws repealed.

That it be the eighth article of union, that all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the parliament of the united kingdom to require; provided that all writs of error and appeals depending at the time of the union, or hereafter to be brought and which might now be finally decided by the house of lords of either kingdom, shall from and after the union be finally decided by the house of lords of the united kingdom, and provided that from and after the union there shall remain in *Ireland* an instance court of admiralty for the determination of causes civil and maritime only; and that the appeal from sentences of the said court shall be to his majesty's delegates in his court of chancery in that part of the united kingdom called *Ireland*; and that all laws at present in force in either

kingdom, which shall be contrary to any of the provisions which may be enacted by any act for carrying these articles into effect, be from and after the union repealed.

Said articles were approved of by his majesty.

And whereas the said articles having by address of the respective houses of parliament in *Great Britain* and *Ireland* been humbly laid before his majesty, his majesty has been graciously pleased to approve the same, and to recommend it to his two houses of parliament in *Great Britain* and *Ireland*, to consider of such measures as may be necessary for giving effect to the said articles: In order therefore to give full effect and validity to the same, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that the said foregoing recited articles, each and every one of them according to the true intent and tenor thereof, be ratified, confirmed and approved, and be, and they are hereby declared to be, the articles of the union of *Great Britain* and *Ireland*, and the same shall be in force and have effect for ever, from the first day of *January*, which shall be in the year of our Lord, one thousand eight hundred and one: provided that before that period an act shall have been passed by the parliament of *Great Britain* for carrying into effect, in the like manner, the said foregoing recited articles. (*a*)

Said articles are hereby declared to be the articles of the union, and in force for ever from 1 *January*, 1801.

Recital of the representation act passed this session, 40 *Geo. 3. Ir. c.* 29.

s. 2. And whereas a bill, entitled, *An Act to regulate the mode by which the lords spiritual and temporal, and the commons to serve in the parliament of the united kingdom on the part of* Ireland, *shall be summoned and returned to the said parliament*, has passed the two houses of the parliament of this kingdom, the tenor whereof is as follows: "An act to regulate the mode by which the lords spiritual and temporal, and the commons to serve in the parliament of the united kingdom on the part of *Ireland*, shall be summoned and returned to the said parliament: Whereas it is agreed by the fourth article of the union, that four lords spiritual of *Ireland*, by rotation of sessions, and twenty-eight lords temporal of *Ireland*, elected for life by the peers of *Ireland*, shall be the number to sit and vote on the part of *Ireland* in the house of lords of the parliament of the united kingdom, and one hundred commoners, (two for each county of *Ireland*, two for the city of *Dublin*, two for the city of *Cork*, one for the college of the *Holy Trinity* of *Dublin*, and one for each of the thirty-one most considerable cities, towns and boroughs, be the number to sit and vote on the part of *Ireland* in the house of commons of the parliament of the united kingdom; be it enacted, That the said four lords spiritual shall be taken from among the lords spiritual of *Ireland* in the manner following, that is to say, that one of the four archbishops of *Ireland*, and three of the eighteen bishops of *Ireland*,

By 4th article of union, 4 lords spiritual, and 28 temporal, and 100 commoners, are to sit and vote on the part of *Ireland* in the imperial parliament;

how the four lords spiritual shall be returned for each session, in rotation.

(*a*) See the 39, 40 *Geo.* 3. *G. B. c.* 67.

shall sit in the house of lords of the united parliament in each session thereof, the said right of sitting being regulated as between the said archbishops respectively by a rotation among the archiepiscopal sees from session to session, and in like manner that of the bishops by a like rotation among the episcopal sees; that the primate of all *Ireland* for the time being shall sit in the first session of the parliament of the united kingdom; the archbishop of *Dublin*, for the time being, in the second; the archbishop of *Cashel*, for the time being, in the third; the archbishop of *Tuam*, for the time being, in the fourth; and so by rotation of sessions for ever; such rotation to proceed regularly and without interruption from session to session, notwithstanding any dissolution or expiration of parliament; that three suffragan bishops shall in like manner sit according to rotation of their sees, from session to session, in the following order; the lord bishop of *Meath*, the lord bishop of *Kildare*, the lord bishop of *Derry*, in the first session of the parliament of the united kingdom; the lord bishop of *Raphoe*, the lord bishop of *Limerick*, *Ardfert* and *Aghadoe*, the lord bishop of *Dromore*, in the second session of the parliament of the united kingdom; the lord bishop of *Elphin*, the lord bishop of *Down* and *Connor*, the lord bishop of *Waterford* and *Lismore*, in the third session of the parliament of the united kingdom; the lord bishop of *Leighlin* and *Ferns*, the lord bishop of *Cloyne*, the lord bishop of *Cork* and *Ross*, in the fourth session of the parliament of the united kingdom; the lord bishop of *Killaloe* and *Kilfenora*, the lord bishop of *Kilmore*, the lord bishop of *Clogher*, in the fifth session of the parliament of the united kingdom; the lord bishop of *Ossory*, the lord bishop of *Killala* and *Achonry*, the lord bishop of *Clonfert* and *Kilmacduagh*, in the sixth session of the parliament of the united kingdom; the said rotation to be nevertheless subject to such variation therefrom, from time to time, as is herein after provided: that the said twenty-eight lords temporal shall be chosen by all the temporal peers of *Ireland* in the manner herein after provided; that each of the said lords temporal so chosen shall be entitled to sit in the house of lords of the parliament of the united kingdom during his life, and in case of his death, or forfeiture of any of the said lords temporal, the temporal peers of *Ireland* shall, in the manner hereinafter provided, choose another peer out of their own number to supply the place so vacant.

The 28 lords temporal shall be chosen for life in manner herein directed; and in cases of death or forfeiture, others shall be chosen.

64 commoners for counties, and 36 for cities and boroughs. *see the* 2, 3 *Will.* 4. *c.* 38. *s.* 11.

s. 3. "And be it enacted, That of the one hundred commoners to sit on the part of *Ireland* in the united parliament, sixty-four shall be chosen for the counties, and thirty-six for the following cities and boroughs, *videlicet*, for each county of *Ireland*, two; for the city of *Dublin*, two; for the city of *Cork*, two; for the college of the *Holy Trinity* of *Dublin*, one; for the city of *Waterford*, one; for the city of *Limerick*, one; for the borough of *Belfast*, one; for the county and town of *Drogheda*, one; for the county and town of *Carrick-*

fergus, one; for the borough of *Newry*, one; for the city of *Kilkenny*, one; for the city of *Londonderry*, one; for the town of *Galway*, one; for the borough of *Clonmel*, one; for the town of *Wexford*, one; for the town of *Youghal*, one; for the town of *Bandonbridge*, one; for the borough of *Armagh*, one; for the borough of *Dundalk*, one; for the town of *Kinsale*, one; for the borough of *Lisburne*, one; for the borough of *Sligo*, one; for the borough of *Catherlough*, one; for the borough of *Ennis*, one; for the borough of *Dungarvan*, one; for the borough of *Downpatrick*, one; for the borough of *Coleraine*, one; for the town of *Mallow*, one; for the borough of *Athlone*, one; for the town of *New Ross*, one; for the borough of *Tralee*, one, for the city of *Cashel*, one; for the borough of *Dungannon*, one; for the borough of *Portarlington*, one; for the borough of *Enniskillen*, one.

When vacancies happen in said counties, cities, or boroughs, new elections shall be held, and all other towns, &c. shall cease to elect (unless hereafter otherwise provided.)

s. 4. "And be it enacted, That in case of the summoning of a new parliament, or if the seat of any of the said commoners shall become vacant by death or otherwise, then the said counties, cities, or boroughs, or any of them, as the case may be, shall proceed to a new election; and that all the other towns, cities, corporations, or boroughs, other than the aforesaid, shall cease to elect representatives to serve in parliament; and no meeting shall at any time hereafter be summoned, called, convened, or held for the purpose of electing any person or persons to serve or act, or be considered as representative or representatives of any other place, town, city, corporation or borough, other than the aforesaid, or as representative or representatives of the freemen, freeholders, householders or inhabitants thereof, either in the parliament of the united kingdom or elsewhere (unless it shall hereafter be otherwise provided by the parliament of the united kingdom) and every person summoning, calling, or holding any such meeting or assembly, or taking any part in any such election or pretended election, shall, being thereof duly convicted, incur and suffer the pains and penalties ordained and provided by the statute of provision and præmunire made in the sixteenth year of the reign of *Richard* the second.

On the day following royal assent for union, the primate, bishops of *Meath*, *Kildare*, and *Derry* shall be representatives for first session; on same day at 12 o'clock, lords temporal shall meet, and elect 28 peers in manner herein directed.

s. 5. "For the due election of the persons to be chosen to sit in the respective houses of the parliament of the united kingdom on the part of *Ireland*; be it enacted, That on the day following that on which the act for establishing the union shall have received the royal assent, the primate of all *Ireland*, the lord bishop of *Meath*, the lord bishop of *Kildare*, and the lord bishop of *Derry*, shall be, and they are hereby declared to be the representatives of the lords spiritual of *Ireland* in the parliament of the united kingdom for the first session thereof; and that the temporal peers of *Ireland* shall assemble at twelve of the clock on the same day as aforesaid, in the now accustomed place of meeting of the house of lords of *Ireland*, and shall then and there proceed to elect twenty-eight lords temporal to represent the peerage of *Ireland* in the parliament of the united kingdom in the following manner, that is to say,

the names of the peers shall be called over according to their rank, by the clerk of the crown, or his deputy, who shall then and there attend for that purpose, and each of the said peers who previous to the said day, and in the present parliament, shall have actually taken his seat in the house of lords of *Ireland*, and who shall there have taken the oaths, and signed the declaration, which are or shall be by law required to be taken and signed by the lords of the parliament of *Ireland*, before they can sit and vote in the parliament thereof, shall, when his name is called, deliver, either by himself or by his proxy, (the name of such proxy having been previously entered in the books of the house of lords of *Ireland*, according to the present forms and usages thereof,) to the clerk of the crown or his deputy, (who shall then and there attend for that purpose,) a list of twenty-eight of the temporal peers of *Ireland*, and the clerk of the crown, or his deputy, shall then and there publickly read the said lists, and shall then and there cast up the said lists, and publickly declare the names of the twenty-eight lords who shall be chosen by the majority of votes in the said lists, and shall make a return of the said names to the house of lords of the first parliament of the united kingdom, and the twenty-eight lords so chosen by the majority of votes in the said lists shall, during their respective lives, sit as representatives of the peers of *Ireland*, in the house of lords of the united kingdom, and be entitled to receive writs of summons to that and every succeeding parliament; and in case a complete election shall not be made of the whole number of twenty-eight peers, by reason of an equality of votes, the clerk of the crown shall return such number in favour of whom a complete election shall have been made in one list, and in a second list shall return the names of those peers who shall have an equality of votes, but in favour of whom, by reason of such equality, a complete election shall not have been made; and the names of the peers in the second list for whom an equal number of votes shall have been so given, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the parliament of the united kingdom, at the table of the house of lords thereof, whilst the house is sitting, and the peer whose name shall be first drawn out by the clerk of the parliament, shall be deemed the peer elected, and so successively as often as the case may require; and whenever the seat of any of the twenty-eight lords temporal so elected, shall be vacated by decease or forfeiture, the chancellor, the keeper or commissioners of the great seal of the united kingdom, for the time being, upon receiving a certificate under the hand and seal of any two lords temporal, of the parliament of the united kingdom, certifying the decease of such peer, or on view of the record of attainder of such peer, shall direct a writ to be issued under the great seal of the united kingdom, to the chancellor, the keeper, or commissioners of the great seal of *Ireland*, for the time being, directing him or them to cause writs to be issued by the clerk

What shall be done where the number of votes happens to be equal;

how seats vacated by death or forfeiture of any of the 28 peers shall be filled.

of the crown in *Ireland*, to every temporal peer of *Ireland*, who shall have sat and voted in the house of lords of *Ireland* before the union, or whose right to sit and vote therein, or to vote at such elections, shall on claim made in his behalf, have been admitted by the house of lords of *Ireland*, before the union, or after the union, by the house of lords of the united kingdom; and notice shall forthwith be published by the said clerk of the crown, in the *London* and *Dublin* Gazettes, of the issuing of such writs, and of the names and titles of all the peers to whom the same are directed, and to the said writs there shall be annexed a form of return thereof, in which a blank shall be left for the name of the peer to be elected, and the said writs shall enjoin each peer within fifty-two days from the test of the writ to return the same into the crown office of *Ireland*, with the blank filled up by inserting the name of the peer for whom he shall vote as the peer to succeed to the vacancy made by demise or forfeiture, as aforesaid, and the said writs and returns shall be bipartite, so as that the name of the peer to be chosen shall be written twice, that is, once on each part of such writ and return, and so as that each part may also be subscribed by the peer to whom the same shall be directed, and likewise be sealed with his seal of arms, and one part of the said writs and returns so filled up, subscribed and sealed as above, shall remain of record in the crown office of *Ireland*, and the other part shall be certified by the clerk of the crown to the clerk of the parliament of the united kingdom, and no peer of *Ireland*, except such as shall have been elected as representative peers on the part of *Ireland* in the house of lords of the united kingdom, and shall there have taken the oaths and signed the declaration prescribed by law, shall under pain of suffering such punishment as the house of lords of the united kingdom may award and adjudge, make a return to such writ, unless he shall after the issuing thereof, and before the day on which the writ is returnable, have taken the oaths, and signed the declaration, which are, or shall be by law required to be taken and signed by the lords of the united kingdom, before they can sit and vote in the parliament thereof, which oaths and declarations shall be either taken and subscribed in the court of chancery of *Ireland*, or before one of his majesty's justices of the peace of that part of the united kingdom called *Ireland*, a certificate whereof signed by such justices of the peace, or by the register of the said court of chancery, shall be transmitted by such peer, with the return, and shall be annexed to that part thereof, remaining of record in the crown office of *Ireland*; and the clerk of the crown shall forthwith after the return day of the writs, cause to be published in the *London* and *Dublin* gazettes, a notice of the name of the person chosen by the majority of votes, and the peer so chosen, shall during his life be one of the peers to sit and vote on the part of *Ireland* in the house of lords of the united kingdom; and in case the votes shall be equal, the names of such persons

Notices to be published in the *London* and *Dublin* gazettes;

oaths to be taken and declarations signed by peers.

Certificates to be transmitted with returns;

Clerk of crown to publish in *London* and *Dublin* gazettes the name of the peer so chosen, &c.

What shall be done when votes are equal.

who have an equal number of votes in their favour, shall be written on pieces of paper of a similar form, and shall be put into a glass by the clerk of the parliament of the united kingdom, at the table of the house of lords whilst the house is sitting, and the peer whose name shall be first drawn out by the clerk of the parliament shall be deemed the peer elected.

When a lord spiritual, being a temporal peer, shall be chosen one of the representatives of the lords temporal, the representatives of the lords spiritual shall proceed to the next in rotation.

s. 6. "And be it enacted, that in caseany lord spiritual being a temporal peer of the united kingdom, or being a temporal peer of that part of the united kingdom, called *Ireland*, shall be chosen by the lords temporal to be one of the representatives of the lords temporal, in every such case during the life of such spiritual peer, being a temporal peer of the united kingdom, or being a temporal peer of that part of the united kingdom called *Ireland*, so chosen to represent the lords spiritual, the rotation of representation of the spiritual lords, shall proceed to the next spiritual lord without regard to such spiritual lord so chosen a temporal peer, that is to say, if such spiritual lord shall be an archbishop, then the rotation shall proceed to the archbishop whose see is next in rotation; and if such spiritual lord shall be a suffragan bishop, then the rotation shall proceed to the suffragan bishop whose see is next in rotation.

If on or before 1st *January* next, his majesty declares that the present lords and commons of *G. B.* shall be the members of both houses for *G. B.* the present members for counties, and for *Dublin* and *Cork*, shall be members in first imperial parliament.

How and when members for Trinity College, and for the cities and boroughs herein named shall be returned.

s. 7. "And whereas by the said fourth article of union, it is agreed, that if his Majesty shall, on or before the first day of *January* next, declare under the great seal of *Great Britain*, that it is expedient that the lords and commons of the present parliament of *Great Britain* should be the members of the respective houses of the first parliament of the united kingdom on the part of *Great Britain*, then the lords and commons of the present parliament of *Great Britain* shall accordingly be the members of the respective houses of the first parliament of the united kingdom on the part of *Great Britain*, be it enacted for and in that case only, That the present members of the thirty-two counties of *Ireland*, and the two members for the city of *Dublin*, and the two members for the city of *Cork*, shall be, and they are hereby declared to be by virtue of this act, members for the said counties and cities in the first parliament of the united kingdom, and that on a day and hour to be appointed by his majesty under the great seal of *Ireland* previous to the said first day of *January*, 1801, the member then serving for the college of the Holy Trinity of *Dublin* and for each of the following cities or boroughs, that is to say the city of *Waterford*, city of *Limerick*, borough of *Belfast* county and town of *Drogheda*, county and town of *Carrick fergus*, borough of *Newry*, city of *Kilkenny*, city of *Londonderry*, town of *Galway*, borough of *Clonmel*, town of *Wexford*, town of *Youghal*, town of *Bandon Bridge*, borough of *Armagh*, borough of *Dundalk*, town of *Kinsale* borough of *Lisburn*, borough of *Sligo*, borough of *Carlow*, borough of *Ennis*, borough of *Dungarvan*, borough of *Downpatrick*, borough of *Coleraine*, town of *Mallow*, borough

of *Athlone*, town of *New-Ross*, borough of *Tralee*, city of *Cashel*, borough of *Dungannon*, borough of *Portarlington*, and borough of *Enniskillen*, or any five or more of them, shall meet in the now usual place of meeting of the house of commons of *Ireland*, and the names of the members then serving for the said places and boroughs, shall be written on separate pieces of paper, and the said papers being folded up, shall be placed in a glass or glasses, and shall successively be drawn thereout by the Clerk of the crown or his deputy, who shall then and there attend for that purpose, and the first drawn name of a member of each of the aforesaid places or boroughs, shall be taken as the name of the member to serve for the said place or borough in the first parliament of the united kingdom, and a return of the said names shall be made by the clerk of the crown or his deputy, to the house of commons of the first parlirment of the united kingdom, and a certificate thereof shall be given respectively by the said clerk of the crown or his deputy, to each of the members whose name shall have been so drawn; provided always, That it may be allowed to any member of any of the said places or boroughs by personal application to be then and there made by him to the clerk of the crown or his deputy, or by declaration in writing under his hand, to be transmitted by him to the clerk of the crown previous to the said day so appointed as above, to withdraw his name previous to the drawing of the names by lot, in which case or in that of a vacancy by death or otherwise, of one of the members of any of the said places or boroughs at the time of so drawing the names, the name of the other member shall be returned as aforesaid, as the name of the member to serve for such place in the first parliament in the united kingdom; or if both members for any such place or borough, shall so withdraw their names, or if there shall be a vacancy of both members at the time aforesaid the clerk of the crown shall certify the same to the house of commons of the first parliament of the united kingdom, and shall also express in such return whether any writ shall then have issued for the election of a member or members to supply such vancancy; and if a writ shall so have issued for the election of one member only, such writ shall be superseded, and any election to be thereafter made thereupon, shall be null and of no effect, and if such writ shall have issued for the election of two members, the said two members shall be chosen accordingly, and their names being returned by the clerk of the crown to the house of commons of the parliament of the united kingdom, one of the said names shall then be drawn by lot in such manner and time as the said house of commons shall direct, and the person whose name shall be so drawn, shall be deemed to be the member to sit for such place in the first parliament of the united kingdom; but if at the time aforesaid no writ shall have issued to supply such vacancy, none shall thereafter issue until the same be ordered by resolution of the house of com-

Any member for any of said places may withdraw his name before lots are drawn, and the name of the other shall be returned.

What shall be done when both names are withdrawn, or a vacancy of both members.

mons of the parliament of the united kingdom, as in the case of any other vacancy of a seat in the house of commons of the parliament of the united kingdom.

When a new parliament of united kingdom shall be summoned, lord chancellor shall cause writs to be issued, &c. and so on all vacancies in commons.

s. 8. And be it enacted, That whenever his majesty, his heirs and successors, shall by proclamation under the great seal of the united kingdom, summon a new parliament of the united kingdom of *Great Britain* and *Ireland*, the chancellor, keeper, or commissioners of the great seal of *Ireland*, shall cause writs to be issued to the several counties, cities, the college of the Holy Trinity of *Dublin*, and boroughs in that part of the united kingdom called *Ireland*, specified in this act, for the election of members to serve in the parliament of the united kingdom according to the number herein before set forth; and whenever any vacancy of a seat in the house of commons of the parliament of the united kingdom for any of the said counties, cities or boroughs, or for the said college of the Holy Trinity of *Dublin*, shall arise by death or otherwise, the chancellor, keeper, or commissioners of the great seal, upon such vacancy being certified to them respectively by the proper warrant, shall forthwith cause a writ to issue for the election of a person to fill up such vacancy, and such writs and the returns thereon respectively being returned into the crown office in that part of the united kingdom called *Ireland*, shall from thence be transmitted to the crown office in that part of the united kingdom called *England*, and be certified to the house of commons in the same manner as the like returns have been usually, or shall hereafter be certified, and copies of the said writs and returns attested by the chancellor, keeper, or commissioners of the great seal of *Ireland* for the time being, shall be preserved in the crown office of *Ireland*, and shall be evidence of such writs and returns, in case the original writs and returns shall be lost."

Copies of returns shall be preserved in crown office, and shall be evidence.

Recited bill shall be part of this act.

s. 9. Be it enacted, That the said bill so herein recited, be taken as a part of this act, and be deemed to all intents and purposes incorporated within the same: provided always, that the said herein recited bill shall receive the royal assent, and be passed into a law previous to the first day of *January*, which shall be in the year of our Lord, one thousand eight hundred and one: and provided also; that if the said herein recited bill shall not receive the royal assent, and be passed into a law previous to the first said day of *January*, which shall be in the year of our Lord one thousand eight hundred and one, this act, and every part thereof, shall be of no force or validity whatsoever. (*a*)

Great seal of *Ireland*.

s. 10. And be it enacted, That the great seal of *Ireland* may, if his majesty shall so think fit, after the union, be used in like manner as before the union, except where it is otherwise provided by the foregoing articles, within that part of the united kingdom called *Ireland*, and that his majesty may,

(*a*) The royal assent was given to the recited act, 40 *Geo.* 3. *I. c.* 29, on the 12th *June*, 1800.

so long as he shall think fit, continue the privy council of *Ireland*, to be his privy council for that part of the united kingdom called *Ireland*.

No. 89.—40 GEO. III. c. 80.

An Act to explain and amend an Act passed in the Thirty-fifth Year of his present Majesty's Reign, entitled, "An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned," and to explain and amend an Act passed in the Thirty-seventh Year of said Reign, entitled, "An Act for the further Regulation of the Election of Members to serve in Parliament."

[1st *August*, 1800.]

Recital 35 *Geo.* 3.

Recital 37 *Geo.* 3.

"WHEREAS an act passed in the thirty-fifth year of his present majesty's reign, entitled, *An Act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned:* And whereas an act passed in the thirty-seventh year of the said reign, entitled, *An Act for the further regulation of members to serve in parliament*, and it is necessary to explain and amend the same: and whereas by said acts it is required that every freeholder of any county registering his freehold, shall, in the oath or affirmation to be by him taken for that purpose, set out the barony or half barony wherein such freehold is situated: And whereas doubts have arisen whether the city of *Londonderry*, and that part of the liberties thereof which is situate and lying on the north-west side of the river *Foyle*; and also whether the town of *Coleraine*, and that part of the liberties thereof which is situate and lying on the north-east side of the river *Bann*, in the county of *Londonderry*, are comprized or included in any barony or half-barony, in the said county of *Londonderry*, or are in themselves respectively baronies or half baronies, for the purposes of registering of freeholds within the provisions of the said recited acts: And whereas doubts have likewise arisen, whether any freeholder, whose freehold is situate in the said city of *Londonderry*, and in the said part of the liberties thereof, or in the said town of *Coleraine*, and in the said part of the liberties thereof, and who has registered his freehold as being so situate, is entitled by virtue of such registry, under the provisions of the said acts, to vote at any election for a knight or knights of the shire to serve in parliament for the said county of *Londonderry*; be it therefore enacted, &c. That from and after the passing of this act the said city of *Londonderry*, and that part of the said liberties thereof situate and lying on the north-west side of the river *Foyle* and the said town of *Coleraine*, and that part of the said liberties thereof situate and lying on the north-

doubts as to city and parts of liberties of *Londonderry*, and also town and part of liberties of *Coleraine*;

doubts as to registry of freeholds in said places;

said places shall be considered as separate half-baronies.

east side of the river *Bann*, shall be considered as separate and distinct half baronies of the said county of *Londonderry*, for the purposes within the meaning of said acts, notwithstanding any law, custom, or usage to the contrary.

Sheriffs of *Londonderry* shall cause two separate booths to be erected, or hire two buildings, when necessary, for said places, and shall appoint a clerk and deputy for each.

s. 2. And be it further enacted, That the sheriffs of the said city and county of *Londonderry*, when they have reason to apprehend a contest, or shall be required by any candidate at any election to be held by them, as in the said act is mentioned, shall cause to be erected two separate booths, or hire two separate buildings, one for the city of *Londonderry*, and said part of the said liberties thereof, and one for the town of *Coleraine*, and the said part of the said liberties thereof, exclusive of the several other booths or buildings required in and by said acts to be erected or hired for the several baronies and half baronies in and within the said county; and in every other respect, with regard to the said city, and said part of said liberties and said town, and said part of said liberties respectively, shall pursue the same rules and regulations as are prescribed thereby for baronies or half baronies, and shall appoint a clerk and deputy for said city, and the said part of the said liberties, thereof, and for the said town, and the said part of the said liberties thereof respectively, in the like manner as in and by said acts is directed respecting the several baronies or half baronies therein mentioned.

Freeholders of said places shall be polled at their respective booths.

s. 3. And be it further enacted, That on every election for a knight or knights of the shire for the said county of *Londonderry*, every freeholder whose freehold shall be registered as situate in the said city of *Londonderry*, and the said part of the said liberties thereof, or in the said town of *Coleraine*, and the said part of the said liberties thereof, and offering to vote, shall be polled in the booth, building, or place respectively appropriated to said city, and the said part of the said liberties thereof, or for the said town, and the said part of the said liberties thereof, as the case may be, as fully and effectually as if the same were baronies or half baronies within the meaning of said acts.

Words barony or half barony, &c. &c. may be omitted in registry of freeholds in said places, and words herein shall be inserted in their place.

s. 4. And be it further enacted, That in the registry of all freeholds situate in the said city of *Londonderry*, or in the said part of the said liberties thereof, or in the said town of *Coleraine*, or said part of the said liberties thereof respectively, the words barony or half barony, baronies or half baronies, town-land or towns-lands, as directed in the said acts to be mentioned in the oath or affirmation of the person registering the same, shall be omitted therein, and the words city of *Londonderry*, or that part of the liberties thereof situate and lying on the north-west side of the river *Foyle*, or town of *Coleraine*, or that part of the liberties thereof situate and lying on the north-east side of the river *Bann*, as the case may be, shall be respectively inserted in their place, and that such registry shall be, to all intents, good and effectual, any thing in said acts contained to the contrary notwithstanding; provided always, That that part of the

liberties of the said city of *Londonderry* situate and lying on the north-east side of the river *Foyle*, shall be deemed and taken as part of the half barony of *Terkeerin*, in the said county of *Londonderry*, and that all freeholds situate in said last mentioned part of said liberties shall be henceforth registered, pursuant to the provisions of said acts, as being and lying in the said half barony of *Terkeerin*; and also, that that part of the liberties of *Coleraine* situate on the north-west side of the river *Bann*, shall be deemed and taken as part of the half barony of *Coleraine*, and that all freeholds situate in the said last mentioned part of said liberties of *Coleraine* shall be henceforth registered, pursuant to the provisions of the said acts, as being and lying in the said half barony of *Coleraine*.

Part to be registered as in half barony of *Terkeerin*.

Part in half barony of *Coleraine*.

s. 5. Provided always, and be it further enacted, That no freehold registered since the passing of said acts, or either of them, and situate and lying within the said city and liberties of *Londonderry*, or the said town and liberties of *Coleraine*, shall be deemed to be unduly or not properly registered, for or on account of the omission or insertion in the oath or affirmation taken or made in order to register the same, of the words barony or baronies, half barony or half baronies, for or on account of the said city and liberties of *Londonderry*, or said town and liberties of *Coleraine*, not being mentioned or described therein, or for, or on account of their being improperly mentioned or described therein, but that every person whose freehold being situate in the said city and liberties of *Londonderry*, or in said town and liberties of *Coleraine*, shall have been so registered, shall, notwithstanding such omission or insertion, be admitted to vote at any election for a knight or knights of the shire for the said county of *Londonderry*, to serve in parliament, the test of the writ for holding of which election shall bear date before the first day of *May*, one thousand eight hundred and one, and no longer.

Freeholds not to be deemed unduly registered.

s. 6. And be it further enacted, That if any clerk of the peace shall omit or neglect to keep any of the books of registry of freeholders, in the manner and form prescribed by law, or to file any affidavit or affirmation delivered to him by the court to be filed, he shall, for every such offence forfeit the sum of five hundred pounds, to be recovered against him by any freeholder who shall sue for the same by action, bill, plaint, or information, in any of his majesty's courts of record, in which no essoign, wager at law, nor more than one imparlance shall be allowed; and if any clerk of the peace shall destroy, or wilfully or negligently permit to be destroyed, or shall maliciously, fraudulently, corruptly, or wilfully make or permit, or suffer to be made any alteration, erasure, obliteration, or interlineation in any such book of registry, or neglect to attend, by himself, or his sufficient deputy, at any election for a member or members to serve in parliament for any county, town, or city, with all and singu-

500*l.* penalty on clerks of peace for neglecting to keep books of registry, or to file affidavits.

Punishment of clerks of peace for transgressions herein described.

lar the books of the registry of the freeholders therein, and the affidavits on which the same are formed, and to remain there during the whole continuance of such election, he shall upon being duly convicted thereof, be adjudged guilty of a misdemeanor, and shall be imprisoned for three years, or suffer such other punishment as the court shall think fit, and shall be for ever after incapable of holding the office of clerk of the peace.

APPENDIX I.

PART III.

ACTS OF THE PARLIAMENTS OF ENGLAND AND GREAT BRITAIN, ADOPTED BY ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM, &c.

No. 90.—3 Jac. I. c. 4.(a)

An Act for the better Discovering and Repressing of Popish Recusants.

s. 13. And for the better trial how his majesty's subjects stand affected in point of their loyalty and due obedience; be it also enacted by the authority aforesaid, That from and after the end of this present session of parliament, it shall be lawful to and for any bishop in his diocese, or any two justices of peace, whereof one of them to be of the *quorum*, within the limits of their jurisdiction, out of the sessions, to require any person of the age of eighteen years or above, being or which shall be convict or indicted of or for any recusancy, other than noblemen or noblewomen, for not repairing to divine service, according to the laws of this realm; or which shall not have received the said sacrament twice within the year then next past, noblemen and noblewomen excepted; or any person passing in or through the country, shire, or liberty, and unknown, except as is last before excepted, that being examined by them upon oath shall confess or not deny himself or herself to be a recusant, or shall confess or not deny that he or she had not received the said sacrament twice within the year then last past, to take the oath hereafter following upon the Holy Evangelists: which said bishop or two justices of the peace, shall certify in writing subscribed with his or their hands at the next general or quarter sessions for that shire, limit, division, or liberty, within which the said oath shall be so taken, the Christian name, surname, and place of abode of every person which shall so take the said oath; which certi-

Who are compellable to take the Oath.

Certificate of the Name of him who taketh the Oath.

(a) This act, and the two following, properly belong to Part I. of this Appendix, but were accidentally omitted in their proper place. See *ante* p. 14, and note (a) *ibid.*

ficate shall be there recorded by the clerk of the peace or town clerk, and kept amongst the records of the said sessions.

Refusal of the Oath. 1 *Bulstr.* 199.

s. 14. And be it further enacted, That if any person or persons, other than noblemen or noblewomen, shall refuse to answer upon oath to such bishop or justices of peace examining him or her, as aforesaid, or to take the said oath so duly tendered unto him or her by such bishop, or two such justices of peace, out of sessions, that then the said bishop or justices of peace shall and may commit the same person to the common gaol, there to remain without bail or mainprize until the next assize or general or quarter sessions to be holden for the said shire, division, limit, or liberty; where the said oath shall be again in the said open assizes or sessions required of such person, by the said justices of assize or justices of peace then and there present, or the greater number of them: and if the said person or persons, or any other person whatsoever, other than noblemen or noblewomen, of the age of eighteen years or above, shall refuse to take the said oath, being tendered unto him or her by the justices of assize and gaol-delivery in their open assizes, or the justices of peace, or the greater part of them, in their said general or quarter sessions, every person so refusing shall incur the danger and penalty of *præmunire*, mentioned in the statute of *præmunire*, made in the sixteenth year of the reign of king *Richard* the second; except women covert, who, upon refusal of the said oath shall be by the said justices of assize in their open assize, or justices of peace in their general or quarter sessions, for the said offence committed only to the common gaol, there to remain without bail or mainprize, till they will take the said oath.

The penalty of præmunire. 16 *R.* 2. *c.* 5. Women covert.

Form of the oath of obedience. Abolished by *W. & M. sess.* 1. *c.* 8. *s.* 2.

THE TENOR OF WHICH OATH HEREAFTER FOLLOWETH:

s. 15. I, *A. B.* &c. Unto which oath so taken, the said person shall subscribe his or her name or mark.

No. 91.—1 Jac. I. c. 6.

An Act for administering the Oath of Allegiance, and Reformation of married Women, Recusants.

s. 1. Whereas by a statute made in the third year of your majesty's reign, intituled, *An act for the better discovering and repressing of Popish Recusants*, the form of an oath to be ministered and given to certain persons in the same act mentioned is limited and prescribed, tending only to the declaration of such duty as every true and well-affected subject, not only by bond of allegiance, but also by the commandment of Almighty God, ought to bear to your majesty, your heirs and successors: which oath such as are infected with Popish superstition do oppugne with many false and unsound arguments, the just defence whereof your majesty hath heretofore

undertaken and worthily performed, to the great contentment of all your loving subjects, notwithstanding the gain-sayings of contentious adversaries.

Every person above the age of eighteen years shall take the oath of obedience.

s. 2. 'And to shew how greatly your loyal subjects do approve the said oath;' they prostrate themselves at your majesty's feet, beseeching your majesty that the same oath may be administered to all your subjects: to which end we with all humbleness beseech your highness that it may be enacted, and be it enacted by the authority of this present parliament, That all and every person and persons, as well ecclesiastical as temporal, of what estate, dignity, prehemi-nence, sex, quality, or degree soever he, she, or they be, or shall be, above the age of eighteen years, being hereafter in this act mentioned and intended, shall make, take, and receive a corporal oath upon the Evangelists, according to the tenor and effect of the said oath set forth in the said fore-mentioned statute, before such person or persons as hereafter in this act is expressed: that is to say, all and every arch-bishop and bishop that now is or hereafter shall be, before the lord chancellor or lord keeper of the great seal for the time being.

Before whom each person shall take the oath. 3 *Jac.* 1. *c.* 4.

A baron or baroness, or above that degree, privy councillors and presidents.

s. 4. And all and every person and persons of or above the degree of a baron of parliament, or baroness of this your highness realm of *England*, and all of your highness privy council residing in *London* or *Westminster*, or within thirty miles thereof, and the presidents of *Wales* and the north parts, before any four of your highness privy council, whereof the lord chancellor, lord treasurer, lord privy seal, or principal secretary for the time being, to be one: and if such person or persons live and reside in the country, distant above thirty miles from *London*, then before the lord bishop of the diocese, or such other person or persons as the lord chancellor or lord keeper of the great seal for the time being shall thereto by writ of *dedimus potestatem* authorize.

Knights, citizens, burgesses and barons of the parliament.

s. 8. And all and every the knights, citizens, burgesses, and barons of the five ports of the commons house of parliament, at any parliament or session of parliament hereafter to be assembled, before he or they shall be permitted to enter into the said house, before the lord steward for the time being, or his deputy or deputies.

The vice-chancellors in the universities, and principals of colleges or halls.

s. 20. The vice-chancellors of both the universities for the time being, and the presidents, wardens, provosts, masters of colleges and halls, and all other heads and principals of houses, proctors, and beadles of the universities, publickly in the convocation, before the senior masters there present.

Persons promoted to degree in school.

s. 21. And all and every other persons whatsoever, that is or shall be promoted to any degree in school, before the vice-chancellor of the said university for the time being, in the congregation-house.

Fellows and scholars in colleges.

s. 22. All fellows of houses, and all scholars of halls or colleges, that now are or hereafter shall be received into the same, being under the degree of a baron, before the president,

master, provost, warden, or other head or chief governor of that college, hall or house, whereunto he shall be received, and in the open hall.

When the persons aforesaid shall take the said oath.

s. 25. And to the intent that due execution may be had of the premises without delay, it is further enacted by the authority aforesaid, That all the persons before named, who have any certain time limited or expressed when to take the aforesaid oath, shall at the time therein prescribed take the same, and the rest within six months next after the end of this present session of parliament.

Who may tender the said oath, and to whom.

s. 26. And be it further enacted by authority of this present parliament, That it shall and may be lawful to and for any one of the privy council of your highness, or of your heirs and successors, and to and for every bishop in his diocese, to require any baron or baroness of the age of eighteen years or above, to take the said oath; and to and for any two justices of peace within any county, city, or town corporate, whereof one to be of the *quorum*, to require any person or persons of the age of eighteen years or above, under the degree of a baron or baroness, to take the said oath: and if any person or persons of or above the said age and degree, now stand or hereafter at any time shall stand and be presented, indicted, or convicted for not coming to church, or not receiving the holy communion or sacrament of the Lord's Supper, according to the laws and statutes of this realm, before the ordinary, or other having lawful power to take such presentment or indictment, then three of the privy council of your highness, your heirs and successors, whereof the lord chancellor, lord treasurer, lord privy seal, or principal secretary, to be one, upon knowledge thereof, shall require such person or persons to take the said oath: and if any other person or persons whatsoever, of and above the said age, and under the said degree, now stand or at any time hereafter shall stand, and be presented, indicted, or convicted for not coming to church, or receiving the holy communion or sacrament of the Lord's Supper, according to the laws and statutes of this realm before the ordinary or any other having lawful power to take such presentment or indictment; or if the minister, petty constable and churchwardens, or any two of them, shall at any time hereafter complain to any justice of peace, near adjoining to the place where any person complained of shall dwell, and the said justice shall find cause of suspicion; that then any one justice of peace, within whose commission or power such person or persons shall at any time hereafter be, or to whom complaint shall be made as aforesaid, shall, upon notice thereof, require such person or persons to take the said oath: And that if any person or persons, being of the age of eighteen years or above, shall refuse to take the said oath, duly tendered to him or her, according to the true intent and meaning of this statute, that then the persons authorized by this law to give the said oath, shall and may commit the same offender to the common gaol, there to remain, without bail

or mainprise, until the next assizes or general quarter sessions to be holden for the said shire, division, limit, or liberty; where the said oath shall be again in the said open sessions required of such person by the said justices of assize or justices of the peace then and there present, or the greater number of them: And if the said person or persons, of the age of eighteen years or above, shall refuse to take the said oath, being tendered to him or her by the said justices of assize and gaol-delivery, in their open assizes or gaol-delivery, or the justices of peace or the greater part of them in their general or quarter sessions, every person so refusing shall incur the danger and penalty of *Præmunire*, mentioned in a statute made in the sixteenth year of the reign of King *Richard* the Second, (except women covert, who shall be committed only to prison, there to remain without bail or mainprize till they will take the said oath.)

The penalty for refusing to take the said oath. 12 *Co.* 132.

16 *R.* 2. *c.* 5. 1 *Roll*, 91.

s. 27. And be it further enacted, That every person refusing to take the said oath as above, shall be disabled, to all intents and purposes, to execute any public place of judicature, or bear any other office (being no office of inheritance or ministerial function) within this your highness realm of *England*: Or to use or practise the common law or civil law, or the science of physick or surgery, or the art of an apothecary, or any liberal science, for his or their gain, within this realm, until such time as the same person shall receive the same oath, according to the intent of this statute.

Disabled to execute or practice certain offices or sciences.

No. 92.—1 WILL. & M. SESS. 1, c. 8.

An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths.

s. 1. WHEREAS by a statute made in the first year of the reign of our late sovereign lady queen *Elizabeth*, intituled, *An Act to restore to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign powers repugnant to the same*, the persons therein mentioned were obliged to take an oath therein mentioned, commonly called *The Oath of Supremacy*: And whereas by another statute made in the third year of the reign of our late sovereign lord King *James* the First, intituled, *An Act for the better discovering and repressing Popish Recusants*, another oath, commonly called, *The oath of allegiance* or *obedience*, was required to be taken by the persons therein mentioned.

1 *Eliz. c.* 1.

3 *Jac.* 1. *c.* 4.

s. 2. Be it enacted by the king and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth no person whatsoever shall be obliged to take

The old oaths of allegiance and supremacy abrogated.

the said oaths, or either of them, by force or virtue of the said statutes, or either of them, or any other statute whatsoever, but that the said statutes, and every other statute, for so much only as concerns the said oaths, and the said oaths themselves, shall be and are hereby repealed, utterly abrogated and made void.

1 *Hale's P. C.* 62.

The new oaths and declaration by whom and how to be taken.

s. 3. And be it further enacted by the authority aforesaid, That the oaths appointed by this present act to be taken, and the declaration likewise appointed by this present act to be made, repeated, and subscribed, shall, from and after the first day of *May*, in the year 1689, be taken, made, repeated, and subscribed by every such person and persons as were appointed and required by any act or acts whatsoever, to take the said abrogated oaths of supremacy and allegiance, or either of them, before such person or persons as hereafter in this act is expressed; that is to say, all and every archbishop and bishop that now is, and all and every person, of or above the degree of a baron of parliament, in their majesties high court of chancery, or in their majesties court of king's bench, in publick and open court, between the hours of nine of the clock and twelve in the forenoon, before the end of *Trinity* term next, or at the general quarter sessions to be holden for that county or place where he or they shall be, inhabit, or reside, in open court, between the said hours of nine and twelve of the clock in the forenoon, before the first day of *August* next; all which shall be put on Record in the respective Courts.

Before whom the new oaths are to be taken, and declaration to be made and subscribed.

s. 4. And all and every other such Person and Persons shall take the said Oaths, and make, repeat, and subscribe the said Declaration by this present Act required to be taken, made, and subscribed, before such Person or Persons respectively, as by any Act or Acts were authorized or impowered to tender the said Oath of Allegiance now abrogated and made void; which said Person or Persons so respectively authorized to minister or tender the said Oaths and Declaration, are hereby required to minister and tender the same accordingly.

All persons which shall be in office shall take the oaths, &c.

s. 5. And be it further enacted by the Authority aforesaid, That all Persons (other than such concerning whom other Provision shall be made in this Act, or in any other Act of this present Session of Parliament) that shall hereafter be admitted into any office or employment Ecclesiastical or Civil, or come into any capacity, in respect or by reason whereof they should have been obliged by any statute to take the said abrogated oaths, or either of them, shall take the oaths hereby appointed, in such manner, at such times, before such persons, and in such courts and places, as they should or ought to have taken the said former oaths, or either of them, in case the same had not been abrogated, as aforesaid. And that every such person, who shall neglect or refuse to take the same, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as by any such statute was

The penalty for neglect.

appointed, for or upon neglect, or refusal, to take the said former oaths hereby abrogated, or either of them.

s. 9. And be it further enacted, That if any such other person or persons (other than the persons specially above-mentioned) shall refuse to take the said oaths, or either of them, when tendered to him or them by any persons lawfully authorized, as is aforesaid, to administer or tender the same; the person or persons so tendering the said oaths, or either of them, shall commit the said person and persons so refusing, to the common gaol or house of correction, there to remain without bail or mainprize, for the space of three months, unless such offender shall pay down to the said person or persons so tendering the said oaths, or either of them, such sum of money, not exceeding forty shillings, as the said person or persons so tendering the said oaths, or either of them, shall require such offender to pay for his or her said refusal; which money shall be paid to the churchwardens or overseers of the poor, for the relief of the poor of the parish or place where such offender did last inhabit: And if at the end of three months after such refusal, the person and persons so refusing shall again refuse to take the said oaths, or either of them, when lawfully tendered to him or them, as is aforesaid; the said person or persons so tendering the said oaths, or either of them, shall commit the said person and persons so refusing to the common gaol or house of correction, there to remain for the space of six months, unless every such offender shall pay down to the person or persons so tendring the said oaths, or either of them, such sum of money, not exceeding ten pounds, nor under five pounds, as the said person or persons so tendring the said oaths, or either of them, shall require such offender to pay for his or her said second refusal; the said money to be disposed in manner aforesaid; and unless every such offender shall become bound with two sufficient sureties, with condition to be of the good behaviour, and also to appear at the next assizes or general gaol delivery to be holden for the county, liberty, or place where such offender shall then inhabit or reside; at which assizes or gaol delivery the said oaths shall be again tendered to every such offender by the justices of assizes or gaol delivery, in their open assizes or gaol delivery; and if the said offender shall refuse to take the said oaths, or either of them, when tendered to him or her by the said justices of assizes or gaol delivery, as is aforesaid, then every person and persons so refusing, shall be and is and are hereby adjudged incapable of any office, civil or military, within this kingdom, and shall likewise be and remain bound to the good behaviour, until he or they do take the said oaths: and in case such person or persons shall refuse also to make and subscribe the declaration mentioned in the statute made in the thirtieth year of the reign of King *Charles*, the second, intitled, *An act for the more effectual preserving the King's person and government, by disabling Papists from sitting in either house of parliament*, such person and persons shall suffer all pains, penalties, forfeitures, and disabilities as a po-

Persons refusing to take the oaths upon tender, to be committed.

Second refusal.

Third refusal.

Penalty for refusing declaration. 30 *Car.* 2. *stat.* 2. c. 1.

pish recusant convict, and be taken and deemed a popish recusant convict to all intents and purposes whatsoever.

Oaths by this act.

s. 12. And be it enacted, That the oaths that are intended and required to be taken by this act, are the oaths in these express words hereafter following;

"I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true allegiance, to their majesties King *William* and Queen *Mary*:"

So help me God, &c.

"I *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, *That princes excommunicated or deprived by the Pope, or any authority of the see of* Rome, *may be deposed or murdered by their subjects, or any other whatsoever.*"

"And I do declare, That no other prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm:

So help me God, &c.

Names of persons who take the oaths to be inrolled.

s. 13. And be it further enacted by the authority aforesaid, That the names of all and singular such persons and officers aforesaid that do or shall, in the court of Chancery, King's Bench, or Quarter Sessions take the oaths by this act required or appointed to be taken, shall be in the said respective courts of Chancery and King's Bench, and the Quarter Sessions, inrolled with the day and time of their taking the same, in rolls made and kept only for that intent and purpose, and for no other. The which rolls, as for the court of Chancery, shall be publickly hung up in the office of the petty-bag; and the rolls for the King's Bench, in the crown office of the said court; and in some public place in every Quarter Sessions, and there remain during the whole term, every term, and during the whole time of the said sessions, in every Quarter Sessions, for every one to resort to, and look upon without fee or reward. And none of the person or persons aforesaid shall give or pay, as any fee or reward to any officer or officers belonging to any of the courts, as aforesaid, above the sum of twelve pence for his or their entry of his or their taking of the said oaths by this act required or appointed to be taken.

to be viewed without fee.

Twelve pence for the oath.

No. 93.—5, 6 WILL. & M. c. 7. (*a*)

An Act for granting to their Majesties certain rates and duties upon Salt, and upon Beer, Ale, and other liquors, for securing certain recompences and advantages in the said Act mentioned, to such persons as shall voluntarily advance the sum of ten hundered thousand pounds, towards carrying on the war against France.

No members, except commissioners of treasury, &c. to be farmers, collectors or managers of duties.

s. 57. Provided always, and be it enacted by the authority aforesaid, That no member of the house of commons shall at any time be concerned, directly or indirectly, or any other in trust for him, in the farming, collecting, or managing, any of the sums of money, duties, or other aids granted to their Majesties by this act, or that hereafter shall be granted by any other act of parliament, except the commissioners of the treasury, and the officers and commissioners for managing the customs and excise, not exceeding the present number in each office, and those appointed to be commissioners for putting in execution an act, intituled, "*An Act for granting to their Majesties an aid of four Shillings in the pound for one year, for carrying on a vigorous war against* France," as to their executing only the authority of the said act, by which they are appointed commissioners. Provided always, That *Thomas Neale* Esquire may be employed by their Majesties as they shall think fit, in the ordering, or managing the several recompences and advantages hereby given to the contributors upon this act; any thing in this act contained to the contrary notwithstanding.

No. 94.—5, 6 WILL. & M. c. 20.

An Act for granting to their Majesties, several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such persons as shall voluntarily advance the Sum of Fifteen hundred thousand Pounds towards the carrying on the War against France.

[This act, s. 20, enabled their majesties by letters patent, to direct how the said sums should be transferrible and transferred, and to incorporate the subscribers, by the name of "*the governor and company of the bank of* England."]

(*a*) By the 41 *Geo.* 3. *c.* 52. *s.* 1, all persons disabled from being elected or sitting in the house of commons of *Great Britain*, are disabled from being elected or sitting as members for places in *Great Britain*; provided (*s.* 3,) that this act shall not enable persons heretofore disabled by act of parliament of *Great Britain* from sitting in the house of commons of *Great Britain*, to sit as members for places in *Ireland*, &c.

Members of parliament may be concerned in the corporation. 5 & 6 *W. & M. c.* 7.

s. 33. "And whereas by an act of this present session of parliament, entituled, "*An act for granting to their majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against* France, it is enacted, that no member of the house of commons shall at any time be concerned in the farming, collecting, or managing any sum or sums of money, duties or other aids by the said act or any other act of parliament granted or to be granted to their majesties, except the persons in the said act excepted; and whereas some doubts may arise, whether any member or members of parliament may be concerned in the corporation to be erected in pursuance of this act;" be it therefore declared and enacted by the authority aforesaid, that it shall and may be lawful to and for any member or members of the house of commons, to be a member or members of the said corporation for the purposes in this act mentioned; any thing in the said recited act contained to the contrary in anywise notwithstanding.

No. 95.—7, 8 Will. III. c. 25.

An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of Sheriffs, and other Officers, in the electing and returning such Members.

None under twenty-one years to vote or to be elected members.

s. 8. "And be it further enacted, that no person whatsoever, being under the age of one and twenty years, shall at any time hereafter be admitted to give his voice for election of any member or members to serve in this present, or any future parliament; and that no person hereafter shall be capable of being elected a member to serve in this or any future parliament, who is not of the age of one and twenty years; and every election or return of any person under that age is hereby declared to be null and void; and if any such minor hereafter chosen shall presume to sit or vote in parliament, he shall incur such penalties and forfeitures as if he had presumed to sit and vote in parliament without being chosen or returned."

No. 96.—11, 12 WILL. III. IR. c. 2.

An Act for granting an Aid to his Majesty by Sale of the Forfeited and other Estates and Interests in Ireland, *and by a Land Tax in* England, *for the several purposes therein mentioned, 2s. in the Pound.*

s. 150. An be it enacted by the authority aforesaid, That no member of the house of commons in this present or any future parliament, during the time of his being a member of parliament, shall from and after the said four and twentieth daye of *June* one thousand seven hundred, be capable of being a commissioner or farmer of the duty of excise upon beer, ale, and other liquors, or of being a commissioner for determining appeals concerning the said duty, or controlling or auditing the account of the said duty, or of holding or enjoying in his own name, or in the name of any other person in trust for him or for his use and benefit, or of executing by himself or his deputy any office, place, or employment, touching or concerning the farming, collecting or managing the said duty of excise.

No member of parliament shall after 24 *June*, 1700, be a commissioner or farmer of the excise, or a commissioner of appeals, or controller or auditor of the said duty.

s. 151. And be it farther enacted, That if any member of the house of commons in this present or any future parliament, during the time of his being a member of parliament, shall at any time after the said four and twentieth day of *June*, by himself or his deputy, or any other in trust for him, or for his benefit, take, enjoy or execute any office, place or employment, touching or concerning the farming, managing or collecting the said duty of excise, or determining appeals concerning the said duty, or controlling or auditing the accounts of the same, such person is hereby declared and enacted to be absolutely incapable of sitting, voting or acting as a member of the house of commons in such parliament.

Such persons incapable of sitting in the house of commons.

No. 97.—12, 13 WILL. III. IR. c. 2.

An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject.

s. 3. And whereas, it is requisite and necessary that some further provision be made for securing our religion, laws, and liberties from and after the death of his majesty and the Princess *Anne* of *Denmark*, and in default of issue of the body of the said princess, and of his majesty respectively: Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same,

Conditions for securing the religion, laws, &c. in default of issue of the Princess *Anne* and the king.

That, &c.

That after the said limitation shall take effect as aforesaid, This clause ex-

tends not to persons naturalized at or before the accession of King *Geo.* 1. to the crown. Repealed by 4 *Ann.* c. 8. *s.* 25. 6 *Ann.* c. 7. 1 *Geo.* 1. c. 56.

no person born out of the kingdoms of *England*, *Scotland*, or *Ireland*, or the dominions thereunto belonging (although he be naturalized or made a denizen, except such as are born of *English* parents) shall be capable to be of the privy council, or a member of either house of parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements or hereditaments from the crown, to himself or to any other or others in trust for him.

That no person who has an office or place of profit under the king, or receives a pension from the crown, shall be capable of serving as a member of the house of commons.

No. 98.—12, 13, Will. III. c. 10.

An Act for granting an Aid to his Majesty for defraying the Expense of his Navy, Guards, and Garrisons for one Year, and for other necessary Occasions. 2*s. in the Pound.*

After dissolution of this parliament, no member shall be a commissioner, &c. of customs.

s. 89. "And be it enacted by the authority aforesaid, That no member of the house of commons, from and after the dissolution of this present parliament, shall be capable of being a commissioner or farmer of the customs, or of holding or enjoying in his own name, or in the name of any other person in trust for him, or for his use or benefit, or of executing by himself or his deputy, any office, place, or employment, touching or concerning the farming, collecting, or managing the customs.

Member executing office in customs incapable of sitting.

s. 90. And be it further enacted, that if any member of the house of commons, from and after the dissolution of this present parliament, shall, during the time of his being a member of parliament, by himself or his deputy, or any other in trust for him, or for his benefit, take, enjoy, or execute any office, place, or employment, touching or concerning the farming, managing, or collecting the customs, such person is hereby declared and enacted to be absolutely incapable of sitting, voting, or acting as a member of the house of commons in such parliament.

No officer of the customs to influence any election of members.

s. 91. And be it further enacted by the authority aforesaid, That from and after the nine and twentieth day of *September*, one thousand seven hundred and one, no commissioner, collector, comptroller searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof, shall by word, message, or writing, or in any other manner whatsoever, endeavour to persuade any elector to give, or dissuade any elector from giving his vote for the choice of any person to be a knight of the shire, citizen, burgess, or baron, of any county, city, borough, or cinque port to serve in parliament; and every officer, or other person offending therein shall forfeit the sum of one hundred pounds;

Penalty.

one moiety thereof to the informer, the other moiety to the poor of the parish where such offence shall be committed, to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, in which no essoin, protection, or wager of law, or more than one imparlance shall be allowed; and every person convict on any such suit, of the said offence, shall thereby become disabled and incapable of every bearing or executing any office or place concerning or relating to the customs, or any other office or place of trust whatsoever under his majesty, his heirs, or successors.

No. 99.—6 ANN. c. 7.

An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of Great Britain *in the Protestant Line.*

Persons in office, &c. made incapable of being elected members of the house of commons.

s. 25. "AND be it further enacted by the authority aforesaid, That no person, who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any new office or place of profit whatsoever under the crown, which at any time since the five and twentieth day of *October*, in the year of our Lord one thousand seven hundred and five, have been created or erected, or hereafter shall be created or erected, nor any person who shall be a commissioner, or sub-commissioner of prizes, secretary or receiver of the prizes, nor any comptroller of the accounts of the army, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licences, nor any governor or deputy governor of any of the plantations, nor any commissioners of the navy employed in any of the out-ports, nor any person having any pension from the crown during pleasure, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden.

Accepting office of profit while a member; election void; no office to be executed by too many commissioners.

s. 26. Provided always, That if any person being chosen a member of the house of commons, shall accept of any office of profit from the crown, during such time as he shall continue a member, his election shall be, and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting was naturally dead. Provided nevertheless, That such person shall be capable of being again elected, as if his place had not become void as aforesaid.

s. 27. Provided also, and be it enacted, That in order to prevent for the future too great a number of commissioners to be appointed or constituted for the executing of any office, that no greater number of commissioners shall be made or constituted for the execution of any office, than have been

employed in the execution of such respective office at some time before the first day of this present parliament.

Not to extend to officers in the navy or army.

s. 28. Provided also, That nothing herein contained shall extend, or be construed to extend to any member of the house of commons, being an officer in her majesty's navy or army, who shall receive any new, or other commission in the navy or army respectively.

Persons disabled, if returned as members, such election and return void.

s. 29. And be it further enacted, That if any person hereby disabled, or declared to be incapable to sit or vote in any parliament hereafter to be holden, shall nevertheless be returned as a member to serve for any county, stewartry, city, town, or cinque port, in any such parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person disabled, or declared incapable by this act to be elected, shall, after the dissolution or determination of this present parliament presume to sit or vote as a member of the house of commons in any parliament to be hereafter summoned, such person so sitting or voting shall forfeit the sum of five hundred pounds, to be recovered by such person as shall sue for the same in *England*, by action of debt, bill, plaint, or information, wherein no essoin, protection or wager of law shall be allowed, and only one imparlance.

Penalty on sitting.

Persons disabled for *England*, disabled also for *Great Britain*.

s. 30. And be it further enacted and declared, That every person disabled to be elected, or to sit or vote in the house of commons of any parliament of *England*, shall be disabled to be elected, or to sit or vote in the house of commons of any parliament of *Great Britain*.

No. 100.—9 Anne. Ir. c. 5. (*a*)

An Act for securing the Freedom of Parliaments, by the farther qualifying the Members to sit in the House of Commons.

No person shall be a member, who hath not an estate, &c. clear from incumbrances, and lying in *England*, viz.

For the better preserving the constitution and freedom of parliament, be it enacted and declared by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the determination of this present parliament, no person shall be capable to sit or vote as a member of the house of commons, for any county, city, borough, or cinque port, within that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick* upon *Tweed*, who shall not have an estate, freehold or copyhold, for his own life, or for some greater estate, either in law or equity, to and for his own

(*a*) See the 33 *Geo.* 2. *G B. c.* 20. *s.* 1.—41 *Geo.* 3. *c.* 52, and *c.* 101, *s.* 23. and 59 *Geo. c.* 37, &c.

use and benefit, of or in lands, tenements, or hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, lying or being within that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick* upon *Tweed*, of the respective annual value hereafter limited *videlicet*, the annual value of six hundred pounds, above reprizes, for every knight of a shire; and the annual value of three hundred pounds, above reprizes, for every citizen, burgess, or baron of the Cinque ports; and that if any person who shall be elected or returned to serve in any parliament, as a knight of a shire, or as a citizen, burgess, or baron of the Cinque ports, shall not, at the time of such election and return, be seised of, or entitled to such an estate, in lands, tenements, or hereditaments, as for such knight, or for such citizen, burgess, or baron respectively, is herein before required or limited, such election and return shall be void.

Every knight of a shire, 600*l.* a year. Every citizen, &c. 300*l.* a year. Any person returned, who hath not such an estate, the return shall be void.

s. 2. Provided always, That nothing in this act contained, shall extend to make the eldest son or heir apparent of any peer or lord of parliament, or of any person qualified by this act to serve as knight of a shire, uncapable of being elected and returned, and sitting and voting as a member of the house of commons in any parliament.

This act not to extend to the eldest son of a peer, or of a person qualified to serve as knight of a shire.

s. 3. Provided always, that nothing in this act contained shall extend or be construed to extend to either of the universities in that part of *Great Britain* called *England*, but that they, and each of them may elect and return members to represent them in parliament, as heretofore they have done; any thing herein contained to the contrary notwithstanding.

The universities may elect and return members as formerly.

s. 4. Provided always, and be it enacted by the authority aforesaid, That no person whatsoever shall be construed to be qualified to sit in the house of commons, within the meaning of this act, by virtue of any mortgage whatsoever, whereof the equity of redemption is in any other person or persons, unless the mortgaee shall have been in possession of the mortgaged premises for the space of seven years before the time of his election; any thing herein contained to the contrary notwithstanding.

None to be qualified by virtue of any mortgage, unless the mortgagee have been in possession seven years before the election.

s. 5. Provided always, and it is hereby enacted by the authority aforesaid, That every person (except as aforesaid) who from and after the determination of this present parliament, shall appear as a candidate, or shall by himself or any others, be proposed to be elected to serve as a member for the house of Commons for any county, city, borough, or Cinque port in *England*, *Wales*, or *Berwick* upon *Tweed*, shall, and he is hereby enjoined and required, upon reasonable request to him to be made (at the time of such election, or before the day to be prefixed in the writ of summons for the meeting of the parliament) by any other person who shall stand candidate at such election, or by any two or more persons having right to vote at such election, take a corporal oath in the form or to the effect following:

Every candidate at the request of another candidate, or of two of the voters, shall take the following oath.

I, *A. B.* do swear, that I truly and *bona fide* have such an

The oath.

estate in law or equity, to and for my own use and benefit, of or in lands, tenements, or hereditaments (over and above what will satisfy and clear all incumbrances that may affect the same) of the annual value of six hundred pounds, above reprizes, as doth qualify me to be elected and returned to serve as a member for the county of
according to the tenor and true meaning of the act of parliament in that behalf; and that my said lands, tenements, or hereditaments, are lying or being within the parish, township, or precinct of Or, in the several parishes, townships, or precincts, of in the county of Or, in the several counties of (as the case may be).

If the candidate be for a city, &c. the oath shall relate only to 300*l.* per annum, *mutatis mutandis*.

s. 6. And in case such candidate or person is to serve for any city, borough, or Cinque port, then the said oath shall relate only to the said value of three hundred pounds per annum, and be taken to the same effect *mutatis mutandis*, as is hereby prescribed for the oath of a person to serve as a member for such county as aforesaid.

The oath to be administered by the sheriff, &c.

s. 7. And it is hereby enacted, That the respective oaths aforesaid shall and may be administered by the sheriff, or under-sheriff, for any such county as aforesaid, or by the mayor, bailiff, or other officer or officers for any city, borough, or port, to whom it shall appertain to take the poll, or make the return at such election for the same county, borough, or port respectively, or by any two or more justices of the peace within *England*, *Wales*, and *Berwick* upon *Tweed*; and the said sheriff, mayor, bailiff, or other officers, and the said justices of the peace respectively, who shall administer the said oaths, are hereby required to certify the taking thereof into her majesty's high court of chancery, or the queen's bench, within three months after the taking the same, under the penalty of forfeiting the sum of one hundred pounds, to wit, one moiety thereof to the queen, and the other moiety thereof to such person or persons as will sue for the same, to be recovered with full costs of suit by action of debt, bill, plaint, or information, in any of her majesty's courts of record at *Westminster*; and if any of the said candidates or persons proposed to be elected as aforesaid, shall wilfully refuse, upon reasonable request to be made at the time of the election, or at any time before the day upon which such parliament by the writ of summons is to meet, to take the oath hereby required, then the election and return of such candidate or person shall be void.

Candidate refusing to take the oath, his election to be void.

1s. only for administering the oath, 2s. for certificate, and 2s. for filing; penalty 20*l.*

s. 8. And is hereby enacted, That no fee or reward shall be taken, for administering any such oath, or making, receiving, or filing the certificate thereof, except one shilling for administering the oath, and two shillings for making the certificate, and two shillings for receiving and filing the same, under the penalty of twenty pounds, to be forfeited by the offender, and to be recovered and divided as aforesaid.

No. 101.—1 GEO. I. STAT. 2. c. 56.

An Act to disable any Person from being chose a Member of, or from sitting and voting in the House of Commons, who has any Pension for any number of years from the Crown.

6 *Ann. c.* 7.

"WHEREAS by an act, entituled '*An act for the security of her majesty's person and government, and of the succession to the crown of* Great Britain *in the Protestant line*,' and made in the sixth year of the late queen *Anne*, it was provided, 'That no person having any pension from the crown during pleasure should be capable of being elected, or of sitting or voting as a member of the house of commons, in any parliament which should be then after summoned and holden;' to the end therefore that the provision intended by that law, for securing the honor of the house of commons may not in future times be defeated or eluded by any person who shall be a member of the house of commons, accepting any pension for any term or number of years; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no person having any pension from the crown for any term or number of years, either in his own name, or in the name or names of any other person or persons in trust for him, or for his benefit, shall be capable of being elected or chosen a member of, or of sitting or voting as a member of this present or any future house of commons which shall be hereafter summoned.

No person having a pension from the crown shall be capable of being elected a member of the house of commons.

s. 2. And be it further enacted by the authority aforesaid, that if any person who shall have such pension, as aforesaid, at the time of his being so elected, or at any time after, during such time as he shall continue or be a member of the house of commons, shall presume to sit or vote in that house, then and in such case, he shall forfeit twenty pounds for every day in which he shall so sit or vote in the said house of commons, to such person or persons who shall sue for the same in any of his majesty's courts in *Westminster Hall*; and the monies so forfeited shall be recovered by the person so suing, with full costs of suit, in any of the said courts, by action of debt, bill, plaint or information, in which no essoin, privilege, protection or wager of law shall be allowed, and only one imparlance."

Any person having such pension, and shall sit in the house, shall forfeit 20*l.* per diem to the prosecutor.

No. 102.—7 Geo. II. c. 16.

An Act for the better regulating the Election of Members to serve in the House of Commons for that part of Great Britain *called* Scotland; *and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of Exchequer in* Scotland, *to be elected, or to sit or vote as Members of the House of Commons.*

Judges of session, justiciary or exchequer, incapable to be elected.

s. 4. "And be it further enacted, That no judge of the court of session or justiciary, or baron of the court of exchequer in *Scotland*, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden."

No. 103.—15 Geo. II. c. 13.

An Act for establishing an Agreement with the Governor and Company of the Bank of England, *for advancing the Sum of one million six hundred thousand Pounds, towards the Supply for the Service of the Year one thousand seven hundred and forty-two.* A.D. 1742.

Being governor, &c. of the bank to create no disability.

s. 8. And it is hereby further enacted by the authority aforesaid, That no person in respect of his being governor, deputy governor, director, manager, or member of the said company, or for having any stock or share therein, or for any matter or thing to be by him done or performed in the affairs of the said corporation, shall be now, or at any time hereafter, disabled from being or continuing, or from being elected, or serving as a member of parliament, or be liable or subject to any penalty, forfeiture, or disability prescribed by any other act or acts of parliament, for not qualifying himself to execute his trust with respect to the affairs of the said corporation, as persons who shall take or execute any office or place of profit or trust are subject and liable unto, by any law now in force, or be adjudged liable to be a bankrupt, within the intent or meaning of all or any the statutes made against or concerning bankrupts; any law, statute, or provision to the contrary thereof in any wise notwithstanding.

No. 104.—15 GEO. II. c. 22.

An Act to exclude certain Officers from being Members of the House of Commons.

A.D. 1742.

s. 1. "FOR further limitingor reducing the number of officers capable of sitting in the house of commons, be it enacted, &c. That from and after the dissolution, or other determination of this present parliament, no person who shall be commissioner of the revenue of *Ireland*, or commissioners of the navy or victualling offices, nor any deputies or clerks in any of the said offices, or in any of the several offices following; that is to say, the office of lord high treasurer, or the commissioners of the treasury, or of the auditor of the receipt of his majesty's exchequer, or of the tellers of the exchequer, or of the chancellor of the exchequer, or of the lord high admiral, or the commissioners of the admiralty, or of the paymasters of the army, or of the navy, or of his majesty's principal secretaries of state, or of the commissioners of the salt, or of the commissioners of the stamps, or of the commissioners of appeals, or of the commissioners of wine licences, or of the commissioners of hackney coaches, or of the commissioners of hawkers and pedlars, nor any persons having any office, civil or military, within the island of *Minorca*, or in *Gibraltar*, other than officers having commissions in any regiment there only, shall be capable of being elected, or of sitting or voting as a member of the house of commons, in any parliament which shall be hereafter summoned and holden.

Description of officers not admitted to sit in parliament.

s. 2. And be it further enacted by the authority aforesaid, That if any person hereby disabled or declared to be incapable to sit or vote in any parliament hereafter to be holden, shall nevertheless be returned as a member to serve for any county, stewartry, city, borough, town, cinque port, or place in parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever: and if any person disabled, and declared incapable by this act to be elected, shall, after the dissolution, or other determination of this present parliament, presume to sit or vote as a member of the house of commons in any parliament to be hereafter summoned, such person so sitting or voting, shall forfeit the sum of twenty pounds for every day in which he shall sit or vote in the said house of commons, to such person or persons who shall sue for the same in any of his majesty's courts at *Westminster*; and the money so forfeited shall be recovered by the persons so suing, with full costs of suit, in any of the said courts, by action of debt, bill, plaint, or information, in which no essoin, privilege, protection, wager of law shall be allowed, and only one imparlance, and shall from thenceforth be incapable of taking, holding, or enjoying any

Returns of such members declared void.

Penalty on persons sitting or voting, after disabled by this act.

office of honour or profit under his majesty, his heirs, or successors.

s. 3. Provided always, and it is hereby enacted and declared by the authority aforesaid, That nothing in this act shall extend or be construed to extend, or relate to, or exclude the treasurer or comptroller of the navy, the secretaries of the treasury, the secretary to the chancellor of the exchequer, or secretaries of the admiralty, the under secretary to any of his majesty's principal secretaries of state, or the deputy paymaster of the army, or to exclude any person having or holding any office or employment for life, or for so long as he shall behave himself well in his office; any thing herein contained to the contrary notwithstanding."

No. 105.—21 Geo. II. c. 19.

An Act for the more effectual Trial and Punishment of High Treason and Misprision of High Treason, in the Highlands of Scotland; *and for abrogating the Practice of taking down the Evidence in Writing in certain Criminal Prosecutions; and for making some further Regulations relating to Sheriffs Depute and Stewarts Depute, and their Substitutes; and for other purposes therein mentioned.*

A.D. 1748.

s. 11. And be it further enacted by the authority aforesaid, That no such sheriff depute or stewart depute shall be capable of being elected, or of sitting or voting as a member of the house of commons.

No. 106.—33 Geo. II. c. 20.

An Act to enforce and render more effectual the laws relating to the Qualification of Members to sit in the House of Commons.

s. 1. "Whereas by an act passed in the ninth year of the reign of her late majesty Queen *Anne*, intituled, *An act for securing the freedom of parliament, by the farther qualifying the members to sit in the house of commons*, it was enacted, That no person should be capable to sit or vote, as a member of the house of commons for any county, city, borough, or cinque port, within that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, who should not have an estate, freehold, or copyhold, for his own life, or for some greater estate, either in law or equity, to and for his own use and benefit, of or in lands, tenements, or hereditaments, over and above what would

satisfy and clear all incumbrances that might affect the same, lying or being within that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, of the respective annual value therein limited; *videlicet*, The annual value of six hundred pounds above reprizes, for every knight of a shire; and the annual value of three hundred pounds above reprizes, for every citizen, burgess, or baron of the cinque ports: Now, in order to enforce and render the said act more effectual, Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the determination of this present parliament, every person, except as is herein after excepted, who shall be elected a member of the house of commons, shall, before he presumes to vote in the house of commons, or sit there during any debate in the said house of commons, after their speaker is chosen, produce and deliver in to the clerk of the said house, at the table in the middle of the said house, and whilst the house of commons is there duly sitting, with their speaker in the chair of the said house, a paper or account signed by every such member, containing the name or names of the parish, township or precinct, or of the several parishes, townships or precincts, and also of the county, or of the several counties, in which the lands, tenements, or hereditaments do lie, whereby he makes out his qualification, declaring the same to be of the annual value of six hundred pounds above reprizes, if a knight of a shire; and of the annual value of three hundred pounds above reprizes, if a citizen, burgess, or baron of the cinque ports; and shall also, at the same time, take and subscribe the following oath; *videlicet*.

All members before they act, are to deliver in while the house is sitting, a signed schedule of their respective qualifications,

and take and subscribe the following oath.

s. 2. I *A. B.* do swear, That I truly and *bonâ fide* have such an estate in law or equity, and of such value, to and for my own use and benefit, of or in lands, tenements, or hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, as doth qualify me to be elected and returned to serve as a member for the place I am returned for, according to the tenor and true meaning of the acts of parliament in that behalf; and that such lands, tenements, or hereditaments, do lie as described in the paper or account signed by me, and now delivered to the clerk of the house of commons. So help me God.

And the said house of commons is hereby impowered and required to administer the said oath and subscription, according to the directions of this act, as occasion shall be, from time to time, to every person duly demanding the same, immediately after such person shall have taken the oaths of allegiance, supremacy, and abjuration at the said table: and the said oath and subscription herein before directed to be taken and made, shall be entered in a parchment roll, to be provided for that purpose by the clerk of the house of commons; and the said papers or accounts so signed and delivered in to the

The schedule to be filed.

said clerk as aforesaid sall be filed and carefully kept by him.

Any member presuming to act contrary hereto, or without being duly qualified, his election is void; and a new writ is to issue.

s. 2. And be it further enacted by the authority aforesaid, That if any person, who shall be elected to serve in any future parliament as a knight of a shire, or as a citizen, burgess, or baron of the cinque ports, shall presume to sit or vote as aforesaid as a member of the house of commons, before he has delivered in such paper or account, and taken and subscribed such oath as aforesaid, or shall not be qualified according to the true intent and meaning of the said recited act, and of this act; his election shall be and is hereby declared to be void, and a new writ shall be issued to elect another member in the said person's room.

Persons excepted out of the general qualification.

s. 3. Provided always, That nothing in this act contained shall extend to the eldest son or heir apparent of any peer or lord of parliament, or of any person qualified to serve as a knight of a shire, or to the members for either of the universities in that part of *Great Britain* called *England*, or to the members for that part of *Great Britain* called *Scotland*.

No. 107.—10 Geo. III. c. 16 (*a*).

An Act to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament. (*b*)
A.D. 1770.

[Repealed by the 9 *Geo. IV. c.* 22.]

No. 108.—11 Geo. III. c. 42.

An Act to explain and amend an Act made in the last Session of Parliament, intituled, *An act to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament.* A.D. 1771.

[Repealed by the 9 *Geo. IV. c.* 22.]

(*a*) By the 41 *Geo.* 3. *c.* 101, temporary provisions, and by the 42 *Geo* 3. *c.* 106, permanent provisions were made that all regulations prescribed by act of the parliament of *Great Britain*, and in force at the time of the union respecting petitions complaining of undue elections, returns, rights of choosing, &c. should be extended to petitions from any place in the united kingdom. But this was repealed by the 9 *Geo.* 4. *c.* 22.

(*b*) For the jurisdiction of the house of commons in the trial of controverted elections, see Mr. *Douglas's Introd.* to his cases on that subject, *s.* 1., a very useful and correct publication. The above act, 10 *Geo.* 3. *c.* 16, was imagined and accomplished by Mr. *Grenville*, though he did not live to enjoy the just applause, which has on that account been lavished on his memory. The act passed A.D. 1770, and he died on the 13th of *November* of that year. This act was originally limited to seven

No. 109.—14 GEO. III. c. 15.

An Act for making perpetual two Acts, passed in the tenth and eleventh Years of the Reign of his present Majesty, for regulating the Trials of controverted Elections, or returns of Members to serve in Parliament. A.D. 1774.

[REPEALED by the 9 *Geo. IV. c.* 22.]

No. 110.—14 GEO. III. c. 58.

An Act for repealing an Act, made in the first year of the reign of King Henry *the Fifth; and so much of several Acts of the eighth, tenth, and twenty-third years of King* Henry *the Sixth, as relates to the residence of persons to be elected Members to serve in Parliament, or of the persons by whom they are to be chosen.*

s. 1. "WHEREAS an act of parliament was made in the first year of the reign of king *Henry* the fifth, ordaining and establishing what sort of people shall be chosen, and who shall be the choosers of the knights and burgesses of the parliament; and also an act in the eighth year of the reign of king *Henry* the sixth, ordaining what sort of men shall be choosers, and who shall be chosen knights of the parliament; and also an act in the tenth year of the reign of his said majesty, requiring certain things in him who shall be a chooser of the knights of parliament; and also an act in the twenty-third year of the reign of his said majesty, directing who shall be knights for the parliament, the manner of their election, and the remedy where one is chosen and another returned: and whereas several provisions contained in the said acts have been found by long usage, to be unnecessary, and are become obsolete: In order therefore to obviate all doubts that may arise upon the same, may it please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that the said act made in the first year of the reign of his majesty king *Henry* the fifth, and every part thereof; and so much of the said several acts, made in the eighth, the tenth, and the twenty-third years of the reign of his majesty king *Henry* the sixth, as relates to the residence of persons to be elected members to

1 *Hen.* 5.
8 *Hen.* 6.
10 *Hen.* 6.
23 *Hen.* 6.

years—but four causes having been tried under it, the justice of the decisions (so different from former examples) rendered it almost the idol of the public; and in 1774, a bill was brought into the house of commons, and passed into a law, which made it perpetual, 14 *Geo.* 3. c. 15.—*Note to Runnington's Statutes.*

serve in parliament, or of the persons by whom they are to be chosen, shall be, and the same are hereby repealed."

No. 111.—22 Geo. III. Ir. c. 45.

An Act for restraining any Person concerned in any Contract, Commission, or Agreement made for the Public Service, from being elected, or sitting and voting as a Member of the House of Commons.

Persons holding contracts for the publick service, incapable of being elected, or sitting in the house of commons.

s. 1. For further securing the freedom and independence of parliament, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the end of this present session of parliament, any person who shall, directly or indirectly, himself or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission, made or entered into with, under, or from the commissioners of his majesty's treasury, or of the navy or victualling office, or with the master general or board of ordnance, or with any one or more of such commissioners, or with any other person or persons whatsoever, for or on account of the public service; or shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commision, which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandize to be used or employed in the service of the public, shall be incapable of being elected, or of sitting or voting as a member of the house of commons, during the time that he shall execute, hold, or enjoy any such contract, agreement, or commission, or any part or share thereof, or any benefit or emolument arising from the same.

Any member accepting a contract, or continuing to hold any contract after the commencement of the next session, his seat shall be void.

s. 2. And be it further enacted by the authority aforesaid, That if any person, being a member of the house of commons, shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake, or execute, in the whole or in part, any such contract, agreement, or commission as aforesaid; or if any person, being a member of the house of commons, and having already entered into any such contract, agreement, or commission, or part or share of any such contract or agreement, or commission, by himself, or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next session of parliament, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such person in the house of commons shall be, and is hereby declared to be void.

s. 3. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to any contract, agreement, or commission, made, entered into, or accepted, by any incorporated trading company in its corporate capacity, or to any company now existing or established and consisting of more than ten persons, where such contract, agreement, or commission, shall be made, entered into, or accepted, for the general benefit of such incorporation or company.

s. 4. Provided also, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to any contract, agreement, or commission, made, entered into, or accepted, before the passing of this act, the term whereof will expire in the space of one year from the time of making thereof.

s. 5. Provided also, and be it enacted, That where any contract, agreement, or commission, has been made, entered into, or accepted, with a provision that the same shall continue until a year's notice be given of the intended dissolution thereof, the same shall not disable any person from sitting and voting in Parliament until one year after the said notice shall be actually given for the determination of the said contract, agreement, or commission, or till after twelve calendar months, to be computed from the time of passing this act.

s. 6. Provided also, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to any person on whom, after the passing of this act, the completion of any contract, agreement, or commission, shall devolve by descent or limitation, or by marriage, or as devisee, legatee, executor, or administrator, until twelve calendar months after he shall have been in possession of the same.

s. 7. Provided also, and be it enacted, That any person who is now a member of the house of commons, and holds and enjoys any such contract, agreement, or commission, as aforesaid, may be discharged from the execution thereof, on giving twelve months' notice to the person or persons with or from whom such contract, agreement, or commission, is made, entered into, or accepted, of his desire that the same shall cease and determine; and such contract, agreement, or commission, after the expiration of the term aforesaid, shall be null and void.

s. 8. Provided also, That if any person actually possessed of a patent for a new invention, or a prolongation thereof by act of parliament, and having contracted with government concerning the object of the said patent before the passing of this act, shall give notice of his intention to dissolve the said contract, the same shall be null and void from the time of giving such notice.

Election shall be void.

s. 9. And be it further enacted, by the authority aforesaid, That if any person hereby disabled, or declared to be incapable to sit or vote in parliament, shall nevertheless be returned as a member to serve for any county stewartry, city, borough, town, cinque port, or place, in parliament, such election and

Disabled persons who shall sit in the house of commons after this session, shall forfeit 500*l.* for each day.

return are hereby enacted and declared to be void: And if any person disabled and declared incapable by this act to be elected, shall, after the end of this present session of parliament, presume to sit or vote as a member of the house of commons, such person so sitting or voting shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same in any of his majesty's courts at *Westminster;* and the money so bill, plaint, or information, in which no essoin, privilege, proforfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said courts, by any action of debt, tection, or wager of law, or more than one imparlance, shall be allowed; or by summary complaint before the court of session in *Scotland*; and every person, against whom any such penalty or forfeiture shall be recovered by virtue of this act, shall be from thenceforth incapable of taking or holding any contract, agreement, or commission, for the public service, or any share thereof, or any benefit or emolument from the same, in any manner whatsoever.

Condition to be inserted in all public contracts.

s. 10. And be it enacted, That in every such contract, agreement, or commission, to be made, entered into, or accepted, as aforesaid, there shall be inserted an express condition, that no member of the house of commons be admitted to any share or part of such contract, agreement, or commission, or to any benefit to arise therefrom: And that in case any person or persons who hath or have entered into or accepted, or who shall enter into or accept, any such contract, agreement, or commission, shall admit any member or members of the house of commons to any part or share thereof, or to receive any benefit thereby, all and every such person and persons shall, for every such offence, forfeit and pay the sum of five hundred pounds; to be recovered, with full costs of suit, in any of his majesty's courts of record at *Westminster*, by any person or persons who shall sue for the same, by any action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; or by summary complaint before the court of session in *Scotland.*

Penalty on contractors who admit any member to any share, &c.

Limitation of actions.

s. 11. Provided also, and be it enacted, that no person shall be liable to any forfeiture or penalty inflicted by this act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

No. 112.—25 Geo. III. Ir. c. 84.

[The 10th section contained some provisions for the hearing of petitions where no return, or a special return, not of members, was made, &c. Repealed by the 9 *Geo. IV.* c. 22.]

No. 113.—28 GEO. III. IR. c. 52.

An Act for the further Regulation of the Trials of Controverted Elections, or Returns of Members to serve in Parliament.

A.D. 1788.

[Repealed by the 9 *Geo. IV.* c. 22, save so far as it repeals part of a former act.]

No. 114.—30 GEO. III, c. 10.

An Act for the better support of the dignity of the Speaker of the House of Commons; and for disabling the Speaker of the House of Commone for the time being from holding any office or place of profit, during pleasure, under the Crown.

A.D. 1790.

Speaker not to hold any place of profit under the crown during pleasure.

s. 7. And be it enacted by the authority aforesaid, That the Speaker of the house of commons for the time being shall not hold or enjoy, in his own name, or in the name of any person or persons in trust for him or for his benefit, any office or place of profit under the crown during pleasure.

No. 115.—32 GEO. III. c. 1.

An Act to extend the provisions of certain Acts of Parliament, made to regulate the trials of Controverted Elections, or returns of Members to serve in Parliament.

A.D. 1792.

[REPEALED by the 9 *Geo. IV.* c. 22.]

No. 116.—33 GEO. III. c. 36.

An Act to establish certain regulations respecting Officers serving in several corps of fencible men, in that part of Great Britain *called* Scotland, *and in certain other Corps which may be directed to be raised in* Great Britain.

7th May, 1793.

WHEREAS, by the laws now in being for raising and training the militia within that part of *Great Britain* called *England*, it is provided, that the acceptance of a commission in the said militia shall not vacate the seat of any member re-

turned to serve in parliament: and whereas his majesty has thought proper, for the more effectual protection and internal defence of that part of *Great Britain* called *Scotland*, to direct that fencible men, in several of the shires in that part of the united kingdom, should be forthwith raised and embodied: and whereas officers serving in any of the said corps of fencible men (the adjutants and quarter masters excepted) will not by virtue of such service be entitled to receive half-pay, or to have any rank in the army after the said corps shall have been dismissed and disembodied, but will be similar to, and as near as may be on the same footing with officers serving in the militia of *England*: and whereas his majesty may think proper to grant commissions to officers to raise corps for the defence of this country, the officers of which corps may likewise not be entitled to receive half-pay, or to hold any rank in the army after the said corps shall have been reduced or disembodied: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the acceptance of a commission in any corps of fencible men, raised or to be raised in that part of *Great Britain* called *Scotland*, or in any other corps which his majesty may authorize and direct to be raised in any part of *Great Britain*, in which none of the officers (except the adjutants and quarter masters) shall, by virtue of their commissions in the said corps, be entitled to half-pay, or to any rank in the army after the reduction of the said corps, shall not, nor shall be construed to vacate the seat of any member returned to serve in parliament.

Commissions in fencible regiments in *Scotland* or in other corps in *Great Britain*, in which only the adjutants and quarter masters shall be entitled to half pay and rank after reduction, not to vacate seats in parliament.

No. 117.—34 Geo. III. c. 83.

An Act to explain so much of an Act, made in the twenty-eighth Year of his present Majesty's Reign, intituled, An Act for the further regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament, *as relates to the time of presenting certain renewed Petitions, and taking the same into consideration.*

7th July, 1794.

Repealed by the 9 *Geo. IV. c.* 22.

No. 118.—36 GEO. III. c. 59.

An Act for the more effectual Execution of several Acts of Parliament, made for the trial of controverted elections, or returns of Members to serve in Parliament.

26*th April*, 1796.

[REPEALED by the 9 *Geo. IV.* c. 22.]

No. 119.—39 GEO. III. c. 6.

An Act to enlarge the time limited for the Redemption of the Land Tax; and to explain and amend an Act, made in the last Session of Parliament, intituled, "An Act for making perpetual, subject to Redemption and Purchase in the manner therein stated, the several sums of money now charged in Great Britain *as a Land Tax, for one year, from the twenty-fifth day of* March *one thousand seven hundred and ninety-eight.*

22*d December*, 1798.

Office of commissioner to execute the said act, not to be deemed a place of profit under his majesty.

s. 49. "AND be it further enacted, That the acceptance of the office of a commissioner for the redemption or sale of land tax under the said act, by reason of any allowance for executing the same, shall not be deemed, taken, or construed to be a place or employment of profit under his majesty, notwithstanding the appointment shall be by warrant under the royal sign manual, but that the same shall be deemed taken, and construed to be a place or employment under the authority of the said act, to all intents and purposes, and shall not impeach any claim or title which such commissioners may have to any other allowance whatever under his majesty."

No. 120.—39 GEO. III. c. 94.

An Act to ascertain the Salary of the Master and Worker of His Majesty's Mint.

12*th July*, 1799.

22 *Geo.* 3. *c.* 45. not to extend to the master of the mint.

s. 5. "AND whereas the covenants contained in the indenture usually made between his majesty and the master and worker of his majesty's mint, are not in the nature of a contract coming within the meaning and intention of an act, passed in the twenty-second year of the reign of his present majesty, intituled, *an act for restraining any person concerned in any contract, commission, or agreement, made for the public service, from being elected or sitting and voting as a member of the house of commons*; be it enacted, that nothing in the said

act shall extend, or be construed to extend, to any person holding the office or master and worker of his majesty's mint."

No. 121.—39, 40 Geo. III. Ir. c. 67.

An Act for the Union of Great Britain *and* Ireland. (*a*) 2*d July*, 1800.

No. 122.—39, 40 Geo. III. c. 97.

An Act to Incorporate certain persons by the name of the London *Company for the Manufacture of Flour, Meal, and Bread, for a limited time.* 28*th July*, 1800.

No member or officer of the company disabled from sitting in parliament.

s. 27. "And be it further enacted, That no person who shall be a member, or a manager, or other officer of the said company, shall for that cause only be disabled from being a member of parliament, or shall, in respect of his share or shares therein, be or be adjudged liable to be a bankrupt within the intent and meaning of all or any of the statutes made of or concerning bankrupts."

(*a*) See the 40 *Geo.* 3. *Ir. c.* 38, in the same words.

APPENDIX I.

PART IV.

ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM.

No. 123.—41 Geo. III. c. 52.

An Act for declaring what persons shall be disabled from sitting and voting in the House of Commons of the United Kingdom of Great Britain *and* Ireland; *and also for carrying into Effect, Part of the Fourth Article of the Union of* Great Britain *and* Ireland, *by providing in what cases persons holding Offices or Places of Profit under the Crown of* Ireland, *shall be incapable of being Members of the House of Commons of the Parliament of the said United Kingdom.* *June* 20, 1801.

Preamble.

s. 1. "Whereas by an act made in the session of parliament held in the thirty-ninth and fortieth years of the reign of his present majesty, intituled, *An act for the Union of* Great Britain *and* Ireland, it was amongst other things provided, That the said kingdoms of *Great Britain* and *Ireland* should, upon the first day of *January*, in the year of our lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of *The United Kingdom* of Great Britain *and* Ireland; and that the said united kingdom should be represented in one and the same parliament, to be stiled *the parliament of the united kingdom of* Great Britain *and* Ireland: And whereas it is expedient fully to declare in what cases persons are and shall be disabled from, or incapable of, sitting and voting in the house of commons of the said parliament of the said united kingdom: Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament of the said united kingdom assembled, and by the authority of the same, That, from and after the passing of this act, all persons disabled from or incapable of being elected, or sitting and voting in the house of commons of any parliament of *Great Britain*, shall be disabled from, and be incapable of,

39 & 40 *Geo.* 3. *G. B. c.* 67. 40 *Geo.* 3. *Ir. c.* 38.

All persons disabled from sitting in *British* parliaments shall be disabled from sitting in the united parliament as members for *Great Britain*.

being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses, for any county, stewartry, city, borough, cinque port, town, or place, in that part of the united kingdom called *Great Britain*.

All persons disabled from sitting in *Irish* parliaments, shall be disabled from sitting for *Ireland*.

s. 2. And be it further enacted, That from and after the passing of this act, all persons disabled from, or incapable of, being elected, or sitting and voting in the house of commons of any parliament of *Ireland*, shall be disabled from, and be incapable of, being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses, for any county, city, borough, town, or place, in that part of the united kingdom called *Ireland*.

Persons disabled by *British* statutes, shall not hereby be enabled to sit for *Ireland*, nor *e contra*.

s. 3. Provided nevertheless, That nothing in this act shall be construed to enable persons, heretofore disabled by any act of the parliament of *Great Britain* from sitting and voting in the house of commons of *Great Britain*, to sit or vote in the house of commons of the said parliament of the said united kingdom, as knights, citizens, or burgesses, for any county, city, borough, town, or place in that part of the united kingdom called *Ireland*; nor to enable persons, heretofore disabled by any acts of the parliament of *Ireland* from sitting and voting in the house of commons of *Ireland*, to sit or vote in the house of commons of the parliament of the said united kingdom, as knights, citizens, or burgesses, for any county, stewartry, city, borough, cinque part, town, or place, in that part of the united kingdom called *Great Britain*.

s. 4. And whereas by the said act for the union of *Great Britain* and *Ireland*, it was amongst other things provided, That "until an act shall have passed in the parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown of *Ireland* shall be incapable of being members of the house of commons of the united kingdom, no greater number of members than twenty holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons of the united kingdom;" be it therefore further enacted, That, from and after the dissolution or other determination of this present parliament, on no person or persons, who shall by himself or his deputy, or any other in trust for him, or for his benefit, take, hold, enjoy, or execute, or continue to hold, enjoy, or execute, any of the offices, employments, or places of profit hereinafter mentioned, in or for that part of the united kingdom called *Ireland*, shall be capable of being elected or chosen a member of or of sitting or voting as a member of the house of commons of any parliament of the said united kingdom of *Great Britain* and *Ireland*, in any parliament which shall hereafter be summoned and holden; (that is to say),

Persons who shall hold certain places in *Ireland*, shall be disabled from sitting in any future parliament of the united kingdom. viz.

Commissioners of customs, excise, and stamps, &c.

No person who shall be commissioner of customs, excise, or stamps, or who shall be concerned, directly or indirectly, in the farming, collecting, or managing any of the sums of

money, duties, or other aids heretofore granted, or which shall hereafter be granted by any act of parliament to his majesty, his heirs or successors (except the commissioners of the treasury and their secretary):

Except treasury.

Nor any person who shall be a commissioner for determining appeals concerning the said duties of customs, excise, or stamps, or for controlling or auditing the account of said duties (except the auditor general of the exchequer):

Commissioners of appeals.

Nor any person who shall be a commissioner of imprest accounts:

Commissioners of accounts.

Nor any agent for any regiment:

Army agents.

Nor any person who shall directly or indirectly, himself or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, or continue to execute, hold, or enjoy in the whole or in part, any contract, agreement, or commission made or entered into under or from the commissioners of his majesty's treasury in *Ireland*, or with any one or more of such commissioners, or with any other person or persons whomsoever, for or on account of the public service in *Ireland*; or who shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission, which he or they shall have made and entered into as aforesaid, any money to be remitted abroad, or any wares, or merchandize to be used or employed in the service of the public, during the time that he shall execute, hold, or enjoy any such contract, agreement, or commission, or any part or share thereof, or any benefit or employment arising from the same (except persons who shall be members of any incorporated trading company now existing or established in *Ireland*, and consisting of more than ten persons, so far as relates to any contract, agreement, or commission, which now is or shall or may hereafter be made, entered into, or accepted by such company in its corporate capacity, for the general benefit of such incorporation or company):

Contractors.

Except members of trading companies, as such.

Nor any deputies or clerks in any of the several offices following; that is to say, the office of lord high treasurer or the commissioners of the treasury (except the secretary of the treasury); or of the auditor of the receipt of his majesty's exchequer, or of the tellers of the exchequer, or of the chancellor of exchequer, (except the secretary of the chancellor of the exchequer); or of the commissioners of stamps, or of the commissioners of appeals.

Deputies or clerks in certain offices.

Persons holding new places under the lord lieutenant shall in future be disabled.

s. 5. And be it further enacted, That from and after the dissolution or other determination of this present parliament, no person who shall have in his own name, or in the name of any person or persons in trust for him or his benefit any office or place of profit, from or by the nomination or appointment, or by any appointment subject to the approbation of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of the united kingdom called *Ireland*, created or erected at any time after the passing of an act of the

Irish act, 33 *Geo.* 3. *c.* 41.

parliament of *Ireland*, in the 33d year of the reign of his present majesty, intituled, An act for securing the freedom and independence of the house of commons, by excluding therefrom persons holding any offices under the crown to be hereafter created, or holding certain offices therein enumerated, or pensions for terms of years, or during his majesty's pleasure, shall be capable of being elected or chosen a member of, or of sitting or voting as a member of the house of commons of any parliament of the said united kingdom of *Great Britain* and *Ireland*, in any parliament which shall hereafter be summoned and holden.

Disabled persons presuming to sit in parliament shall incur the penalties under former *British* or *Irish* acts.

s. 6. And be it further enacted, That if any person hereby declared to be disabled from, or rendered incapable of, sitting or voting in the house of commons, shall nevertheless be elected or returned as a member to serve in parliament for any county, stewartry, city, borough, cinque port, town or place, in any part of the said united kingdom, such election or return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person or persons so hereafter elected or returned, and declared to be disabled or to be rendered incapable by this act to be elected, shall presume to sit or vote as a member of the said house of commons, such person or persons so sitting or voting shall incur such pains, penalties, and forfeitures, as are inflicted or imposed by the several acts of parliament heretofore passed in *Great Britain* or *Ireland* for disabling or incapacitating such persons from sitting in the parliaments of *Great Britain* or *Ireland* respectively: and if such person or persons shall be disabled or incapacitated by the having, holding, or accepting of any office, employment, or place of profit, in this act enumerated and particularized, then, and in such case, such person or persons so sitting or voting shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to be recovered by such person as shall sue for the same in any court of record in any part of the said united kingdom, by action of debt, bill, plaint or information, wherein no essoign, protection or wager of law, shall be allowed, and only one imparlance.

Or if disabled under this act shall forfeit 500*l.* per day.

Act not to extend (during this parliament) to persons holding such offices or places; but no more than 20 such persons shall sit.

s. 7. Provided always, and it is hereby enacted and declared, That nothing in this act shall, during the continuance of this present parliament, extend or be construed to extend or relate to, or shall exclude or disable, any person or persons holding offices or places of profit under the crown of *Ireland*; so nevertheless, that no greater number than twenty of the persons holding such offices or places as aforesaid shall be capable of sitting in the said house of commons; and so that no person holding any such office or place shall be capable of being elected, or of sitting in the said house, while there are twenty persons, holding such offices or places, sitting in the said house.

Not to extend to offices held for life or during

s. 8. Provided also, and it is hereby further enacted and declared, That nothing in this act shall extend or be construed to exclude any person having or holding any office, place or

employment, for life, or for so long as he shall behave himself well in his office (other than and except the commissioners of imprest accounts, and all persons concerned in the managing, collecting, or farming of any sums of money, duties, or other aids, granted, or to be granted to his majesty, his heirs or successors); any thing herein contained to the contrary notwithstanding. good behaviour, except in certain cases.

s. 9. Provided always, That if any person being chosen a member of the house of commons shall, from and after the passing of this act, accept of any office of profit whatever, immediately and directly, from the crown of the said united kingdom, or by the nomination or appointment, or by any other appointment, subject to the approbation of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of the said united kingdom called *Ireland*, his seat shall thereupon become vacant, and a writ shall issue for a new election: provided nevertheless, that such person (if he be not incapacitated by any thing hereinbefore contained) shall be capable of being again elected to be a member of the house of commons for the place for which he had been a member, or for any other place sending members to the house of commons. Members accepting any office whatever from the king, or lord lieutenant, &c. of *Ireland*, shall vacate his seat.

No. 124.—41 GEO. III. c. 63.

An Act to Remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons.

23*d June*, 1801.

s. 1. "WHEREAS it is expedient to remove doubts which have arisen respecting the eligibility of persons in holy orders to sit in the house of commons, and also to make effectual provision for excluding them from sitting therein; be it therefore declared and enacted, &c. That no person having been ordained to the office of the priest or deacon, or being a minister of the church of *Scotland*, is or shall be capable of being elected to serve in parliament as a member of the house of commons. Preamble. No person ordained a priest or deacon, or being a minister of the church of *Scotland*, shall be capable of being elected a member of the house of commons.

s. 2. And be it further declared and enacted, That if any person, having been ordained to the office of priest or deacon, or being a minister of the church of *Scotland*, shall hereafter be elected to serve in parliament as aforesaid, such election and return shall be void; and that if any person, being elected to serve in parliament as a member of the house of commons, shall after his election, be ordained to the office of priest or deacon, or become a minister of the church of *Scotland*, then and in such case the seat of such person shall immediately become void; and if any such person shall, in any of the aforesaid cases, presume to sit or vote as a member of the house of commons, he shall forfeit the sum of five hun- The election of such person shall be void; and if any person after his election shall be ordained a priest, &c. he shall vacate his seat. Penalty for sitting or voting in either case.

dred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same in any of his majesty's courts at *Westminster;* and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said courts, by any action of debt, bill, plaint, or information, in which no essoign, privilege, protection or wager of law, or more than one imparlance, shall be allowed; and every person against whom any such penalty or forfeiture shall be recovered by virtue of this act, shall be from thenceforth incapable of taking, holding, or enjoying any benefice, living, or promotion, ecclesiastical, and of taking, holding, or enjoying any office of honour or profit under his majesty, his heirs or successors: provided always, that nothing in this act contained shall extend, or be construed to extend, to make void any election of a person to serve as a member of the house of commons, which election shall have taken place before the passing of this act.

Elections before the passing of this act not to be void.

Limitation of actions.

s. 3. Provided also, and be it enacted, That no person shall be liable to any forfeiture or penalty inflicted by this act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

What proof shall be necessary.

s. 4. And be it further enacted, that proof of the celebration of divine service, according to the rites of the church of *England*, or of the church of *Scotland*, in any church or chapel consecrated or set apart for public worship, shall be deemed and taken to be *primâ facie* evidence of the fact of such person having been ordained to the office of a priest or deacon, or of his being a minister of the church of *Scotland*, within the intent and meaning of this act.

No. 125.—41 Geo. III. Ir. c. 101.

An Act for Regulating, until the First Day of May, One Thousand Eight Hundred and Two, the Trial of Controverted Elections or Returns of Members to serve in the United Parliament of Great Britain *and* Ireland, *for that part of the United Kingdom called* Ireland; *and for Regulating the Qualifications of Members to serve in the said United Parliament.* 2*d July*, 1801.

39 & 40 *Geo.* 3. *c.* 67. (Article 4.)

s. 23. And whereas it was in and by the said act for the union of *Great Britain* and *Ireland*, among other things provided and enacted, That the qualifications in respect of property, of the members elected on the part of *Ireland*, to sit in the house of commons of the united kingdom, should be respectively the same as were then provided by law in the cases of elections for counties and cities and boroughs respectively, in that part of *Great Britain* called *England*, unless any other provision should hereafter be made in that respect by act of parliament of the united kingdom: And whereas by an act

passed in the ninth year of the reign of her late majesty queen *Anne*, intituled, *An act for securing the freedom of parliament by the farther qualifying the members to sit in the house of commons*, it was amongst other things enacted, That no person should be capable to sit or vote as a member of the house of commons for any county, city, borough, or cinque port, within that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick* upon *Tweed*, who should not have an estate, freehold or copyhold, for his own life, or for some greater estate, either in law or equity, to and for his own use and benefit, of or in lands, tenements, and hereditaments, over and above what would satisfy and clear all incumbrances that might affect the same, lying or being within that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick* upon *Tweed*, of the respective annual value therein limited: And whereas, by an act passed in the thirty-third year of the reign of his late majesty king *George* the second, intituled, *An act to enforce and render more effectual the laws relating to the qualification of members to sit in the house of commons*, it was enacted, That every person, (except as in the said act is excepted) who should be elected a member of the house of commons, should at the time, and in the manner in the said last-recited act directed, produce and deliver into the clerk of the said house, at the table of the said house, a paper or account signed by such member, containing the names of the parishes, townships, precincts, and counties, in which the lands, tenements, or hereditaments lay, whereby such member should make out his qualification, and should also take and subscribe the oath in the said last-recited act mentioned and contained; be it therefore further enacted, That the said last recited act, and all matters and things therein contained, shall extend and be construed to extend to every person (except as in the said last-recited act is excepted) who, from and after the passing of this present act, shall be elected a member of the house of commons of the parliament of the said united kingdom, for any county, city, borough, cinque port, town, or place, in that part of the said united kingdom called *England*, or the dominion of *Wales*, or town of *Berwick* upon *Tweed*, or in that part of the said united kingdom called *Ireland*: And that it shall be sufficient that the lands, tenements, or hereditaments, whereby such member shall make out his qualification in manner by the said last-recited act mentioned and directed, shall lie or be either within that part of the said united kingdom called *England*, or the dominion of *Wales*, or town of *Berwick* upon *Tweed*, or within that part of the said united kingdom called *Ireland*; any thing in the said last-recited act, or in the said act passed in the ninth year of the reign of her late majesty queen *Anne*, to the contrary notwithstanding. Provided always, That nothing in this act contained shall extend, or be construed to extend, to require any such qualification as aforesaid on the part of the member to be from time to time elected and returned by the college of the Holy Trinity in *Dublin*; any thing herein contained to the contrary in anywise notwithstanding.

9 *Ann.* c. 5.

33 *Geo.* 2. c. 20.

The latter act extended to members elected to the united parliament for *England*, *Ireland*, *Wales*, or *Berwick*.

Qualification may be situate either in *England*, *Wales*, *Berwick*, or *Ireland*.

No qualification required on the part of members for *Dublin* College.

No. 126.—42 Geo. III. c. 84.

An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament; and for expediting the proceedings relating thereto.
22*d June*, 1802.

[Repealed by the 9 *Geo.* IV. c. 22.]

No. 127.—42 Geo. III. c. 89.

An Act for vesting certain Lands and Hereditaments in Trustees, for promoting the Service of His Majesty's Ordnance at Woolwich. 22*d June*, 1802.

Commissioners not disqualified from sitting in the house of commons.

s. 12. "Provided always, and be it enacted, That such commissioners, as his majesty shall nominate for the purposes in this act mentioned, or any of them, shall not by reason thereof in any sort be disabled or disqualified from sitting in the house of commons, nor their election thereby become void; any law or statute to the contrary thereof in anywise notwithstanding."

No. 128.—42 Geo. III. c. 90.

An Act for amending the Laws relating to the Militia in England, *and for augmenting the Militia.*
26*th June*, 1802.

Commissions in militia not to vacate seats in parliament.

s. 172. "And be it further enacted, That the acceptance of a commission in the militia shall not vacate the seat of any member returned to serve in parliament; and that no person being an officer of the militia shall be compelled to serve the office of sheriff.

Voters going to elections of members not punishable for absence.

s. 173. And be it further enacted, That no officer, non-commissioned officer, drummer, or private man of the militia, shall be liable to any penalty or punishment for or on account of his absence during the time he shall be going to vote at any election of a member to serve in parliament, or during the time he shall be returning from such election.

No. 129.—42 GEO. III. c. 91.

An Act to raise and establish a Militia Force in Scotland. *26th June*, 1802.

s. 167. "And be it further enacted, That the acceptance of a commission in the militia shall not vacate the seat of any member returned to serve in parliament. Commissions in militia not to vacate seats in parliament.

s. 168. And be it further enacted, That no officer, non-commissioned officer, drummer or private man of the militia, shall be liable to any penalty or punishment for or on account of his absence during the time he shall be going to vote at any election of a member to serve in parliament, or during the time he shall be returning from such election." Voters going to elections of members not punishable for absence.

No. 130.—42 GEO. III. c. 106.

An Act for regulating the Trial of controverted Elections, or Returns of Members to serve in the United Parliament for Ireland. *26th June*, 1802.

WHEREAS an act was passed in the last session of parliament, intituled, *An act for regulating, until the first day of May one thousand eight hundred and two, the trial of controverted elections or returns of members to serve in the united parliament of* Great Britain *and* Ireland, *for that part of the united kingdom called* Ireland; *and for regulating the qualification of members to serve in the said united parliament*; which act, so far as the same related to such controverted elections or returns, is now expired; and it is expedient that other provisions should be made for the regulating the trial of such controverted elections or returns; be it therefore enacted, &c, That from and after the passing of this act, all and every the rules, regulations, authorities, and powers heretofore given or perscribed by an act or acts of parliament of *Great Britain*, and in force at the time of the passing of the act for the union of *Great Britain* and *Ireland*, with respect to petitions presented to the house of commons, complaining of undue elections or returns of members to serve in parliament, or complaining of the omission or insufficiency of any such return, and with respect to petitions of persons desiring to oppose any right of election, or any right of choosing, nominating, or appointing returning officers, which shall have been deemed valid by the determination of any select committee of the house of commons, and with respect to the trial and determination of all such petitions by such select committees, shall be in full force and effect with respect to such petitions as shall or may be hereafter from time to time presented to the house of commons of the parliament of the said united kingdom, complaining of undue elections or returns of members to serve 41 *Geo.* 3. *c.* 101. All regulations prescribed by *British* acts in force at the union, respecting petitions to the house of commons complaining of undue elections or returns, *etc.* extended to such petitions to the united parliament from any place in the united kingdom.

in parliament for any county, stewartry, city, borough, cinque port, town, or place in any part of the said united kingdom, or of the omission or insufficiency of any such returns, or from any person or persons desiring to oppose any such right of election, or of choosing, nominating or appointing returning officers, in as full and ample a manner as if the same rules, regulations, authorities, and powers were herein repeated, and particularly and specifically enacted, concerning the same petitions, and the trial and determination thereof; except so far as the same are altered in and by this present act.

Petitions for places in *England* shall not be proceeded on, unless they state all the matters concerning which the petitioners intend to examine witnesses.

s. 2. And be it further enacted, That no petition complaining of any undue election or return for any county, city, borough, town, or place, in that part of the united kingdom called *Ireland*, or of the omission or insufficiency of any such return, or from any person or persons desiring to oppose any right of election, or of choosing, nominating, or appointing returning officers in or for any such county, city, borough, town or place, shall be proceeded upon by the house of commons, unless the same shall state all and every the several matters and things of and concerning which the petitioner or petitioners presenting the same is or are desirous of complaining, and to which he or they purpose or intend to call and examine witnesses; and that no witness or witnesses shall be called or examined by or on the behalf of such petitioner or petitioners, either by or before the select committee of the house of commons to be chosen for the trial and determination of the merits of such petition, or by or before the commissioners to be chosen and appointed in manner herein mentioned, to any matter or thing not contained or set forth in such petition, or in the lists and statements herein mentioned.

Parties shall, before any other business is proceeded on, interchange lists of objectionable votes, and statements of matters intended to be insisted on.

s. 3. And be it further enacted, That all the parties appearing before any select committee, to be chosen for the trial and determination of the merits of any such petition, shall, immediately after a chairman shall have been chosen by the said committee, and before any other business shall be proceeded upon by the said parties or either of them, before the said committee, interchange with and among each other lists of all such votes, and of the names of all such voters, to which either of the said parties purpose or intend to object; and that the said parties shall also interchange with and among each other, *statements in writing* of all particulars respecting any right of voting, or of choosing or nominating a returning officer, and respecting all such other matters and things whatever, as either of the said parties mean to insist upon, or to contend for, or to object to; and that no witness or witnesses shall be called or examined by or on behalf of either of the said parties before the said select committee, or before the said commissioners, or either of them, to any matter or thing not specified and contained in the said lists or statements respectively, or in the petition complaining of the election or return in question, as herein mentioned and provided.

s. 4. And for avoiding the inconveniencies and expense

which may in certain cases arise, by reason of witnesses being brought from *Ireland* to be personally examined before committees of the house of commons; be it enacted, That whenever a select committee of the house of commons shall at any time hereafter be appointed for the trial and determination of any petition complaining of an undue election or return of members to serve in parliament for any county, city, borough, town, or place, in that part of the united kingdom called *Ireland*, or complaining of the omission or insufficiency of any such return, or from any person or persons desiring to oppose any right of election, or any right of choosing a returning officer or returning officers, in or for such county, city, borough, town or place, upon its appearing to the said committee, from the nature of the case, and the number of witnesses to be examined relative to any particular allegation or allegations in the said petition, that the same cannot be effectually enquired into before such committee, without great expense and inconvenience to the parties, or either of them, it shall and may be lawful to and for the said select committee, upon application of any of the parties before the said select committee, at any period during the course of their proceedings upon such petition, to make an order for the nomination and appointment of commissioners in manner herein directed.

Whenever it shall appear to a select committee that any petition complaining of any undue election for *Ireland*, cannot be effectually inquired into before them, without great expense; they may, on application of the parties, make an order for the appointment of commissioners.

s. 5, Provided always, and be it further enacted, That no commission as aforesaid shall issue under this act, except the party or parties intending to apply for the same shall serve a notice on the opposite party or parties, as soon as the petition in question shall be presented to the house of commons, of his intention to apply to the select committee for such commission as aforesaid.

But no commission shall issue, unless notice be given to the party on presenting the petition of intention to apply for it.

s. 6. Provided always, and be it further enacted, That if the said committee shall not think it necessary to make such order, or to appoint such commissioners as aforesaid, then and in such case the said committee shall proceed to try the merits of the said petition, in the same manner as the merits on petitions respecting controverted elections are tried, for that part of the united kingdom called *Great Britain*.

If no commissioners be necessary, committee may try the merits of the petition.

s. 7. And be it further enacted, That whenever the said committee shall think fit to make an order for the appointment of commissioners as aforesaid, such commissioners shall be appointed in manner herein mentioned; that is to say, on the next sitting day after the said order shall have been made by the said committee, at the time previously appointed by the said committee, in the presence of the said committee, and also in the presence of the said petitioners, their council or agents, and of the sitting members, their council or agents, and aslo in the presence of all parties before the house on distinct interests, or complaining or complained of on different grounds, or whose right to be elected or returned may be effected by the determination of the said select committee, or their several and respective council or agents, (or in the presence of such of the said parties, their council or agents, as shall then and there

Regulations for the appointment of commissioners.

attend,) the names of three barristers, each being of six years' standing at the bar at the least, and each of them having consented under their hands and seals, to become commissioners, on being appointed in manner herein-mentioned, (and not having voted at the election in question for the county, city, borough, town, or place, respecting which the election, or return complained of, or other subject-matter of the petition in question, arose or happened, and not being, nor having been, at the time of the election in question, sheriff of the county, or returning officer of the city, borough, town, or place, in or for which the said election, return, or other matter of the petition in question, arose or happened, nor having been counsel at such election), shall be delivered to the chairman of the said committee, by or on behalf of each and every the said distinct parties, or by or on behalf of such of them as shall then and there attend, by themselves, their counsel, or agents; and a list of the whole of such names shall forthwith be made; and thereupon the said parties, their counsel, or agents, beginning on the part of the said petitioners, shall, in the presence of the said committee, proceed alternately to strike off the name of one of the said barristers contained in the said list, until the number shall be reduced to two; which said two barristers, together with the chairman, who shall be also a barrister of like standing, and who shall be named and appointed in manner herein-mentioned, shall be commissioners for the purpose of examining all such matters and things as shall be referred to them by the said select committee, in manner aforesaid, and as shall be specially assigned and limited in the order of the said committee, for that purpose made as aforesaid.

After the appointment of commissioners a chairman shall be appointed in manner herein directed.

s. 8. And be it further enacted, That immediately after the appointment of the said two commissioners in manner aforesaid, and before the said committee shall adjourn, a third commissioner, for the purposes aforesaid, and who shall be the chairman of the said commission, shall be appointed in manner following; (that is to say), if all the parties interested shall ageee among themselves, in nominating and appointing any one such barrister who shall have consented to such appointment under his hand and seal, then such barrister so nominated and consenting, shall be and he is hereby appointed to be a third commissioner, and chairman of the said commissioners; but in case the several parties shall not agree amongst themselves in the appointment of such chairman as aforesaid, then it shall be lawful for the said select committee to nominate any barrister of like standing, in manner herein mentioned.

The clerk of the crown in *Ireland* shall at the commencement of every session transmit to the speaker a list of barristers, from which the committee shall appoint a chairman.

s. 9. And, in order to enable the said select committee to appoint such chairman as aforesaid, be it enacted, That the clerk of the crown in *Ireland*, or his deputy, shall, at the commencement of every session of parliament, send over to the speaker of the house of commons of the united parliament, a list of all such barristers, of not less than six years' standing, who shall have consented under their hands and seals, to act either as commissioners or as chairman to the commissioners

for the purposes of this act, in case they, or any of them, shall be appointed in manner herein mentioned, out of which list the said select committee are hereby directed to appoint one other commissioner, who shall act as chairman to the said commissioners; provided, that no barrister, whose name shall have been previously struck off the list by any of the parties before the said select committee, shall be appointed to act as chairman to the said commissioners.

But when the parties nominate three commissioners, and deliver in the list of their names to the committee, the commissioners shall appoint their chairman.

s. 10. Provided always, and be it further enacted, That if all the said parties interested in such petition shall agree in nominating any three such barristers to be commissioners as aforesaid, and shall deliver to the chairman of the select committee, a list of three such barristers so agreed upon, and consenting to act as aforesaid, such list being signed by all the said parties, such three persons shall be and become commissioners for the purposes aforesaid, as if they had been appointed in manner herein mentioned; and in such case the said commissioners shall appoint one of themselves to be their chairman.

When more than two parties appear on distinct interests, the parties shall not be permitted to give in list of barristers, *etc.*

s. 11. And be it enacted, That when more than two parties appear before the house upon distinct and separate interests at the striking of the select committee, if it shall appear that the said several parties are actually distinct and separate, and that there is no collusion between them, that then and in such case none of the parties shall be permitted to give in any list of barristers to the said select committee, for the purposes of appointing commissioners as aforesaid, but that the said select committee shall, out of the list of barristers so returned by the clerk of the crown, or his deputy, appoint the three commissioners, and nominate which of the three shall act as chairman.

If within one hour after the time fixed by the select committee, the petitioner does not appear, *etc.* he shall be declared to have made default in recognizance.

s. 12. Provided also, and be it further enacted, That if within one hour after the time fixed by the said committee for the appointment of commissioners in pursuance of this act, the petitioner or petitioners shall not appear, either by themselves, their counsel, or agents, before the said committee, or shall not give in any lists of names in manner aforesaid, then and in such case the said committee shall not proceed to the appointment of such commissioners, so far as respects such petitioner or petitioners so making default, but shall forthwith report to the house that such petition, in such respect as aforesaid, was not proceeded upon before the said committee, and the petitioner or petitioners so neglecting to appear, shall be held to have made default in the recognizance or recognizances entered into by him or them, on the presenting of such petition.

Party opposing petition not attending or waiving his right in striking off names from the list for the purpose of appointing commissioners, the chairman of the

s. 13. And be it further enacted, That if, within one hour after the time fixed by the said committee for proceeding to the appointment of commissioners as aforesaid, the sitting member or sitting members, or any other party or parties opposing the petition, shall not appear before the said committee, by himself or themselves, or by his or their counsel or agents, or shall not give in any list of names in manner aforesaid, for the purpose of appointing commissioners, and of reducing the list

committee shall do it.

of such names as shall be delivered by or on behalf of any party or parties appearing before the said select committee as aforesaid, the place of a party opposing the petition shall be supplied by the chairman of the committee, who shall accordingly, as often as it shall come to his turn as supplying the place of the party opposing the petition, to strike out a name, put all the then remaining names into a glass, and draw one out, which name shall be struck off the said list; and the same method of reducing the said list to the number of two shall be followed whenever any party shall waive his right of striking off names from the said list.

Chairman of committee shall issue his warrant to each of the commissioners to repair on a certain day to the place where the matter of complaint arose. Penalty of 500*l.* for disobeying the warrant.

s. 14. And be it further enacted, That when and as soon as the said commissioners shall be appointed in manner aforesaid, the chairman of the said select committee shall issue a warrant under his hand and seal, directed to each of the commissioners so appointed, commanding the said commissioners, and each of them, under the penalty of five hundred pounds, to repair to the city, borough, town, or place, in or for which the election, or return complained of, or other subject-matter of the petition arose or happened, on a certain day, to be named in the said warrant, and which day shall not be less than fourteen days, nor more than twenty one days, distant from the day on which the said commissioners were appointed in manner aforesaid; and in case any of the said commissioners shall neglect or refuse to obey the injunction of the said warrant, he or they so neglecting or refusing, shall accordingly forfeit the sum of five hundred pounds, and the said chairman of the said committee shall address to the chairman of the said commissioners a true copy of the petition which shall have been referred to the said committee, and of the said lists and disputed votes and statements of the several parties which shall have been delivered before the said committee, together with a true copy of the order made by the said committee, *specially assigning and limiting the facts or allegations, matters, and things respecting* which the said commissioners are required and directed to examine evidence, and to report the same, together with all such other documents and papers as the said select committee shall think proper; all which warrants, petitions, orders, and papers shall be conveyed to the clerk of the crown in *Ireland*, or his deputy, and by him or his deputy transmitted to the several parties, in the method used in conveying writs in that part of the united kingdom called *Great Britain*; and the said chairman of the said select committee shall also transmit a copy of his warrant, but not of the several other papers, to the printer of the *Dublin Gazette*, to be inserted in the next number of the said gazette which shall be published after the receipt of the copy of the said warrant by the said printer.

A copy of the petition, list of disputed votes, and statements of the parties, and a copy of the order of the committee limiting facts, shall be addressed to the chairman of the commissioners, and transmitted to the clerk of the crown, who shall transmit the same to the parties.

After completion of these proceedings, the chairman of the committee shall report to the house,

s. 15. And be it further enacted, That immediately after the completion of the proceedings aforesaid, the said chairman of the said select committee shall thereupon report the proceedings of the said committee to the house, and shall ask

permission of the house for the said committee to adjourn, until such time as the speaker shall, by his warrant, in manner herein mentioned, direct the said committee to re-assemble; and upon such permission being granted, it shall and may be lawful for the said committee to adjourn accordingly; any act or acts of parliament now in force to the contrary thereof in anywise notwithstanding; provided always, that whenever any select committee shall report to the house in manner aforesaid, they shall state in their report, *that they have gone through all the other parts of the said petition, except what have been specially referred to the commissioners* in *Ireland* herein mentioned.

and adjourn until the speaker shall by warrant re-assemble them.

s. 16. And be it further enacted, That in all cases of the trial of petitions on controverted elections for any county, city, borough, town, or place in that part of the united kingdom called *Ireland*, the select committee for the trial of such petition shall not be dissolved on account of the death or absence of any number of the members thereof, except the number of the said committee shall be reduced to less than nine; any act or acts of parliament now in force, or any law, usage, or custom to the contrary thereof, in anywise notwithstanding.

The committee shall not be dissolved on account of the death or absence of members, except reduced to nine.

s. 17. And be it further enacted, That on the day and at the place appointed, between the hours of ten in the forenoon and four in the afternoon, the said commissioners and chairman shall meet and open their court, or commence their proceedings, by reading the warrant of the said chairman of the said select committee, and also the copy of the petition annexed to the said warrant, and also the copies of all other papers transmitted by the said chairman; and the said commissioners shall, before further proceeding on the business of their said commission, take and subscribe the following oath; (that is to say,)

Commissioners shall open their court, and take the following oath.

"I, *A. B.*, do swear, that I will, without favour, affection, or malice, and according to the best of my skill and knowledge, well and truly try and examine all such matters, and things as shall be brought before me, by virtue of a warrant dated the day of under the hand and seal of the chairman of the select committee of the house of commons, on a petition from [here state the name or names of the petitioner or petitioners, and of the place to which the petition relates]; and that I will, in all things, well and truly perform the duty of a commissioner appointed to try the said matters and things, according to the rules, regulations, and directions contained in an act passed in the forty-second year of the reign of king *George* the third, intituled, [here set forth the title of this act.]

So help me God."

Which oath the said chairman of the said commissioners, having first taken and subscribed the same in the presence of the rest of the said commissioners, is hereby authorised and empowered to administer to the other and others of them the said commissioners; and if any person shall act as a commis-

Commissioner acting, not being qualified by his degree as barrister, shall forfeit 500*l.*

sioner in the execution of this act, not being qualified by his degree as a barrister, every such person shall, for such offence forfeit and pay the sum of five hundred pounds, and the said commissioners shall sit every day (*Sundays*, *Christmas-day*, and *Good-Friday* only excepted), from the hour of ten in the morning till four in the afternoon, and shall never adjourn for a longer time than twenty-four hours, except in case of the death or continued absence of any of the said commissioners as herein provided, unless *Sunday*, *Christmas-day*, or *Good-Friday* shall intervene; and in case of such intervention, every meeting, sitting, or adjournment, shall be within twenty-four hours from the time of appointing or fixing the same, exclusive of such *Sunday*, *Christmas-day*, or *Good Friday*.

Time of sitting of the court.

s. 18. And be it further enacted, That no one of the said commissioners shall be allowed to absent himself from the said daily sittings and meetings, except in cases of sudden accident or necessity, or in case of illness; and that such cases of sudden accident or necessity shall be made appear to the others of the said commissioners, by facts specially stated and verified upon oath of the said commissioner so absenting himself; and that such illness shall be certified to the others of the said commissioners, on the oath of a physician; which oaths shall be made before one of his majesty's justices of the peace: and that any commissioner who shall so absent himself without such lawful excuse, shall, for every day on which he shall so absent himself, forfeit and pay the sum of five hundred pounds.

Commissioner absenting himself, except in case of illness, *etc.* shall forfeit 500*l.* for every day.

s. 19. And be it further enacted, That the said commissioners shall never sit until all the said commissioners are met, except in cases where the absence of a commissioner is verified upon oath as aforesaid; nor then, except by consent of all parties in manner herein mentioned; and in case the said commissioners, or such number as shall be so consented to (the said chairman being always one), shall not meet within one hour after the time to which the meeting of the said commissioners shall have been adjourned, a further adjournment shall be made in the manner before directed; and so from time to time, until all the said commissioners, or such number as shall be so consented to in manner herein mentioned (the said chairman being always one), are assembled; and if the number of the said commissioners able to attend, shall, at any time, by death or otherwise be unavoidably reduced to less than three, and shall so continue for the space of three sitting days, and no such consent as herein mentioned shall have been given, the party by whom the commissioner so dying or absenting himself was originally appointed, shall nominate a barrister, having consented in manner before mentioned, to act as a commissioner in his place; and in case of the death or continued absence of the chairman of the said commissioners, for the space of three sitting days, then the remaining commissioners shall proceed to nominate one other such barrister, having consented in manner before mentioned, to be a new commissioner and chairman; but in case the remaining commissioners

Commissioners not to sit unless the whole are present, except in cases where the absence of a commissioner is verified on oath, nor then, except by consent of parties.

Regulations to be observed in case of death or absence, in the appointment of other commissioners.

cannot agree in the appointment of a chairman, then the names of the remaining commissioners shall be put into a glass, in open court, in the presence of the parties, or such of them as shall attend, and the commissioner whose name is first drawn out shall nominate and appoint one such barrister (having consented in manner before mentioned,) to be such chairman; and the said remaining commissioners shall give notice of his appointment to such commissioner or chairman so appointed; who shall thereupon, under the penalty of five hundred pounds repair to the place of meeting of the other commissioners on a day certain to be named by the remaining commissioners, and which day shall not be more than fourteen days distant from the day on which the said commissioner or chairman was appointed in manner aforesaid; and all and every such commissioner or chairman, so from time to time to be appointed in the place or stead of any commissioner or chairman dying or absenting himself for the time aforesaid, shall in all respects, have the same power, jurisdiction, and authority, as the commissioner in whose place or stead he shall have been appointed in manner aforesaid, and shall proceed, conjointly with the other commissioners, to complete the purposes for which the said commissioners were originally appointed.

But any number of the commissioners (the chairman being always one,) may act during the absence or death of any commissioner, with consent of parties.

s. 20. Provided always, nevertheless, That notwithstanding any thing herein contained to the contrary, any number of the said commissioners, (the said chairman being always one,) may, during the absence, or after the death of any other or others of the said commissioners, execute all the purposes of this act, with the consent of all parties interested, and which consent shall be especially entered on the minutes of the proceedings of the said commissioners, and signed by the parties, their counsel, or agents respectively.

Commissioner prevented from attending on account of illness, *etc.* not liable to penalty.

s. 21. Provided always, and be it enacted, That if any commissioner, appointed by this act, shall be prevented from attending at the day and place appointed as aforesaid, by any sudden accident, necessity, or illness, to be verified upon oath in manner herein directed, with respect to the absence of either of the said commissioners, after proceeding on the said commission, then and in such case the commissioner or commissioners so prevented from attending, by such sudden accident, necessity, or illness, shall not be liable to the said penalty of five hundred pounds; any thing herein contained to the contrary notwithstanding.

Commissioners may adjourn to any place they may think necessary.

s. 22. And be it further enacted, That it shall and may be lawful for the said commissioners, from time to time, to adjourn to any town within the county, in all cases where it shall appear to them necessary so to do.

Commissioners shall have power to send for persons, papers, and records, and shall examine all matters referred to them, in like

s. 23. And be it further enacted, That the said chairman of the commission shall, at all times, by warrant, under his hand and seal, have power to send for all persons, papers, and records; and the said commissioners shall examine all witnesses who shall come before them upon oath, and shall examine all matters referred to them, and shall, in all respects,

manner as select committee; and shall appoint a clerk to take down minutes of their proceedings, and within ten days after the evidence is closed, shall transmit one copy to the clerk of the crown for *Ireland*, and another to the speaker.

have the same powers and authorities for examining the said matters so referred to them, as select committees of the house of commons on controverted elections have, for examining the matters and things referred to such select committees: and the said commissioners shall appoint a clerk, to take down in writing minutes of all the proceedings of them the said commissioners, and of all such evidence as shall be given or produced before them, in as accurate a manner as the same can possibly be done, and shall proceed in examining all and every witness or witnesses who shall come before them, and in scrutinizing the rights of any voter or voters, and in all other matters and things whatsoever referred to them, in the same course and manner, and according to the same rules, as select committees of the house of commons on controverted elections ought and are empowered to proceed in like cases; and the clerk, appointed by the said commissioners, shall, from time to time, make, or cause to be made, true copies of the minutes of all proceedings before the said commissioners, and of all such evidence as shall be given or produced before them, and shall give one such copy to each of the parties interested, or his or their agent, or to such of them as shall demand the same, on being paid for each sheet of the said copy, consisting of seventy-two words, the sum of sixpence; and within ten days after the evidence before the said commissioners shall be closed, touching the matters and things referred to them, the said commissioners shall cause two copies of the minutes of all their proceedings to be made, and shall examine the same with the said minutes, and shall sign and seal the said copies; and shall transmit by their clerk, one of the said copies to the clerk of the crown for *Ireland*, or his deputy, at the crown office in *Dublin*; and the other of the said copies to the speaker of the house of commons of the parliament of the said united kingdom, who shall accordingly communicate the same to the said house, and upon the transmission of the said copies, the said commissioners shall adjourn, in order to receive such further orders from the select committee upon the petition in question, as such committee may, from time to time, think requisite and necessary.

No counsel shall plead before them or examine witnesses.

s. 24. And be it further enacted, That the said commissioners shall not permit or suffer any barrister or counsel to plead before them, or to examine or cross-examine any of the witnesses; but that the said commissioners shall themselves examine and cross-examine all the witnesses that shall be produced before them.

Commissioners shall state their reasons in writing for rejecting any evidence that may be tendered; but such evidence shall be taken down by the clerk, and with a statement

s. 25. Provided always, and be it further enacted, That in case at any time in the course of the said proceedings before the said commissioners, any of the said parties shall tender or offer to produce to the said commissioners any witness or evidence to, of, or concerning any matter or thing whatsoever in issue before the said commissioners, which witness or evidence the said commissioners, or a majority of them, shall be

of opinion ought not to be examined, heard, or received, the said commissioners shall state, in writing, the reasons and grounds upon which they have rejected the said evidence, and enter the same upon their proceedings; and it shall and may be lawful to and for the party tendering or offering to produce such witness or evidence, to require of the said commissioners, that the said witness or evidence shall be examined, heard, and received by and before them; and the testimony of such witness, or the purport of such evidence, shall accordingly be taken down in writing by the clerk to the said commissioners, separately and apart from all other evidence before the said commissioners, and a copy thereof, with a statement of the purpose to or for which the said witness or evidence was produced, and by whom the same was produced, shall be signed and sealed by the said commissioners, in the nature of a bill of exceptions to evidence, and the same shall be transmitted by the said commissioners, together with all the other proceedings before them, in manner herein mentioned; and if the select committee of the house of commons, to whom the merits of the petition in question shall be afterwards referred, in manner herein mentioned, shall be of opinion that the tendering and offering of such witness or evidence was frivolous or vexatious, or that the testimony of such witness, or the purport of such evidence was impertinent or irrelevant to the matter in issue before the said commissioners, the said committee shall report such their opinion to the house, together with their opinion on the other matters relating to the said petition, and the party who shall, before the said commissioners have opposed the examining, hearing or receiving of such witness or evidence, shall be entitled to recover from the person or persons who shall have produced such witness or evidence, the full costs and expenses which such party or parties shall have incurred in opposing the same, or by reason of the same being received in manner aforesaid; which costs and expenses shall be ascertained and recovered in the same manner and form as are now provided by law for the recovery of costs and expenses in cases of frivolous or vexatious petitions or frivolous or vexatious opposition to any petition.

Of the purpose for which produced, shall be transmitted to the select committee, who shall report thereon to the house.

s. 26. And be it further enacted, That within two days after the copy of the said proceedings before the said commissioners shall be received by the speaker of the house of commons, the said speaker shall insert in the *London Gazette* a warrant signed by him, directing the select committee upon the petition in question, to re-assemble and meet again within the space of one month, from the date of such warrant, *provided parliament shall be then sitting, and in case parliament shall not then be sitting, to meet within one month after the commencement of the next session of parliament*; and that the said select committee shall accordingly re-assemble and meet again, and shall take the said proceedings of the said commissioners into consideration, and shall proceed to try and determine

Within two days after the copy of proceedings of the commissioners shall be received by the speaker, he shall insert in *The London Gazette* a warrant directing the select committee to meet within a month, who shall try and determine the merits of the petition on the evidence before them, and

may hear counsel on the effect of such evidence, and shall report their opinion to the house.

the merits of the said petition, in such and the same manner as select committees on controverted elections are, by the laws now in force, directed to proceed, try, and determine; save and except that the said committee *shall not call for or receive any* other or further evidence, written or parol, respecting any matters or things which have been tried and examined by the said commissioners, in manner aforesaid; but the said committee shall determine on all such matters and things from the written minutes of the evidence and proceedings before the said commissioners, and the certificates of the said commissioners, so signed, sealed, and transmitted as aforesaid: Provided always, That the said committee shall and may be at liberty to hear counsel, as to the effect of the said evidence, in like manner as they may do respecting any other matter in question before them; and that the said select committee shall report their own opinion to the house, upon the whole merits of the said election, or other matter of the said petition.

The select committee may direct further warrants to the commissioners, who shall re-assemble for the purposes therein specified.

s. 27. Provided always, and be it further enacted, That the said select committee shall from time to time during the continuance of the said committee, and at any time before reporting their final opinion to the house on the merits of the petition in question,) have full power and authority to direct any further or other warrant to the said chairman of the commissioners, under the hand and seal of the chairman of the said committee, ordering and directing the said commissioners to re-assemble for such purposes as shall be in the said warrant specified; and that such and the like proceedings shall be had upon such further warrant of the chairman of the said committee, as are herein directed with respect to the said warrant of the chairman of the said committee, herein first mentioned.

Penalty on persons making false oaths before the commissioners, *etc.*

s. 28. And be it further enacted, that all and every person and persons who shall wilfully give false evidence, or make any false oath or affidavit before the said commissioners, or before any justice of the peace, touching any matter or thing provided for by this act, shall be prosecuted and indicted for the same; and such person or persons, being convicted thereof shall be sent to some house of correction, for a time not exceeding seven years, there to be kept to hard labour during all the said time, or otherwise to be transported to some of his majesty's plantations beyond the seas, for a term not exceeding seven years, as the court shall deem most proper; and that it shall and may be lawful for the chairman of the said comsioners, and he ishereby authorized and empowered, by warrant under his hand and seal, directed to any one or more constable or constables, or to any other person or persons specially appointed by such chairman, to summon and require the attendance of any witness or witnesses, or other person or persons before the said commissioners, at the day and place to be mentioned in the said warrant.

Witnesses ne-

s. 29. And be it further enacted, That if any person so

summoned as a witness as aforesaid, shall neglect or refuse to attend, without lawful excuse, to be determined by the said commissioners; or if any witness before such commissioners shall prevaricate, or shall otherwise misbehave, in giving or refusing to give evidence, or if any person shall be guilty of any contempt or misbehaviour whatsoever, of or towards the said commissioners, while sitting and acting in the execution of their said commission, the said chairman of the said commissioners shall, and he is hereby impowered, by a warrant under his hand and seal, and directed to the gaoler of the common gaol of the county or place in which the said commissioners shall sit, to commit such person (not being a peer of the realm, or a lord of parliament) to the custody of the said gaoler, without bail or mainprise, for any time not exceeding six calendar months.

Neglecting their duty, or persons misbehaving before the commissioners, may be committed by the chairman.

s. 30. And be it enacted, That in case it shall be requisite to summon any member of parliament to give evidence before the said commissioners, who shall be then attending his duty in parliament, that in such case the chairman of the commissioners shall certify the same to the speaker of the house of commons, who shall report the same to the house.

In case it be necessary to summon a member of parliament, the chairman of the commissioners shall certify the same to the speaker.

s. 31. And be it further enacted, That each of the said commissioners so to be appointed in manner aforesaid shall, immediately after the select committee on the petition in question shall have made the final report to the house on the merits of the said petition, be entitled to demand and receive from the lords commissioners of the treasury in *Dublin*, the sum of two hundred pounds, for his attendance upon the execution of the said commission, together with the sum of one guinea for every day which such commissioner shall have been, or shall be necessarily engaged on the said commission, and also his travelling expenses, at the rate of one shilling and sixpence for every mile which such commissioner shall have travelled from or to his usual place of abode, in his attendance on the execution of such commission; and that the clerk to the said commissioners shall also, upon his transmitting the said copies in manner aforesaid, be entitled to demand and receive from the lords commissioners of the treasury in *Dublin*, such sum or sums for his attendance on the execution of the said commission, as the said commissioners shall, under their hands, certify to be reasonable, not exceeding the amount of two guineas for each day of his attendance on the execution of the said commission, together with such sum for the copies of the evidence transmitted to the clerk of the crown in *Ireland*, and the speaker of the house, in manner aforesaid, as the said commissioners shall think fit, not exceeding the sum of sixpence for every sheet, consisting of seventy-two words, the said copies shall contain.

Allowances to be made the commissioners and their clerk.

s. 32. And be it further enacted, That all pecuniary penalties in and by this act imposed, shall and may be recovered, with full costs of suit, by any person or persons who shall sue for the same by action of debt, in any court of record in that part of the united kingdom called *Ireland*; in which action it

Penalties may be sued for in any court of record in *Ireland*.

shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them, (to the amount of the penalty sued for) by virtue of this act; and in which action no essoign, privilege, protection, or wager of law, shall be allowed, nor more than one imparlance.

Limitation of actions.

s. 33. Provided always, and be it farther enacted, That every indictment, information, or action, for any offence against this act, or any forfeiture incurred under the same, shall be found, filed or commenced, within one year after the commission of the fact on which such indictment, information, or action, shall be grounded, or within six months after the conclusion of the proceedings in the house of commons, relating to the petition on the trial of which such fact shall have arisen.

No. 131.—42 Geo. III. c. 116.

An Act, for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax, into one Act, and for making further Provision for the Redemption and Sale thereof; and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements, the Land Tax upon which shall have been redeemed or purchased. 26*th June*, 1802.

Commissions under this or recited acts, not to vacate seats in parliament, nor the office of a commissioner for sale of the land tax be deemed a place of profit under his majesty.

s. 185. And be it further enacted, That the acceptance of any commission from his majesty in pursuance of the said recited acts, or any of them or of this act, shall not vacate the seat of any person returned to serve in parliament, nor shall the election of any person who hath accepted or who shall accept any such commission be in any manner impeached thereby, or made void; any law or statute to the contrary notwithstanding: Provided always, that the acceptance of the office of a commissioner for the redemption or sale of land tax under the said recited acts or this act, shall not, by reason of any allowance for executing the same, be deemed, taken, or construed to be a place or employment of profit under his majesty, notwithstanding the appointment shall be by warrant under the royal sign manual, but that the same shall be deemed, taken, and construed to be a place or employment under the authority of this act to all intents and purposes, and shall not impeach any claim or title which such commissioners may have to any other allowance whatever under his majesty.

No. 132.—43 GEO. III. c. 25.

An Act for better securing the Freedom of Elections of Members to serve in Parliament for any place in Ireland, *by disabling certain Officers employed in the Collection or Management of his Majesty's Revenues in* Ireland, *from giving their Votes at such Elections.* 24*th March,* 1803.

s. 1. For the better securing the freedom of elections of members to serve in parliament; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *June*, one thousand eight hundred and three, no commissioner, collector, surveyor, supervisor, gauger, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of excise in *Ireland*, or any branch or part thereof; nor any commissioner, collector, surveyor, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of customs in *Ireland*, or any branch or part thereof; nor any surveyor, collector, comptroller, inspector, or other officer or person whatsoever concerned, engaged, or employed, by or under the commissioners of his majesty's revenue in *Ireland*, in the charging, collecting, levying, or managing any of the duties, taxes, or impositions in *Ireland*, paid or levied under the direction of such commissioners, or any of them; nor any commissioner, officer, or other person, concerned or employed in collecting, receiving, or managing any of the duties on stamped vellum, parchment, and paper, in *Ireland*; nor any person appointed by the said last mentioned commissioners for distributing of stamps in *Ireland*; nor any postmaster or postmasters-general, or his or their deputy or deputies; nor any person employed by or under him or them in receiving, collecting, or managing the revenue of the post-office in *Ireland*, or any part thereof; nor any captain, master, or mate of any ship, packet, or other vessel, employed by or under the postmaster or postmasters general in *Ireland*, in conveying the mail from and to *Ireland*, to or from *Great Britain*, or to or from any other place whatever; shall be capable of giving his vote in any election for the choice of any representative in parliament for any county, city, county of a city, borough, town corporate, university, or other place whatever, in *Ireland*; and if any person hereby made incapable of voting as aforesaid, shall nevertheless presume to give his vote, during the time he shall hold, or within twelve calendar months after he shall cease to hold or execute any of the offices aforesaid, contrary to the true intent and meaning of this act, such votes so given shall be held null and void to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds *Irish* currency, one

From *June* 1, 1803, officers of the revenue herein specified, incapable of voting in any election of members to serve in parliament for *Ireland*.

Vote of such officers, and for twelve months after holding such offices, to be void, and the offenders to forfeit 100*l.* and be incapacitated.

moiety thereof to the informer, and the other moiety thereof to be paid into the hands of the treasurer of the county, city, town, or place in *Ireland*, within which such offence shall have been committed, to be applied and disposed of to the use of some public charitable institution, or to such other charitable purposes, within the said county, city, town, or place, as the justices at the next general quarter session of the peace to be held for such county, city, town, or place in *Ireland*, shall think fit, and to be recovered by any person that will sue for the same by action of debt, bill, plaint, or information, in any of his majesty's courts of record in *Dublin*, in which no essoign, protection, privilege, or wager of law, nor more than one imparlance shall be allowed; and the person against whom any such penalty shall be recovered, shall become and is hereby declared disabled and incapable of ever bearing or executing any office or place of trust whatsoever under his majesty, his heirs or successors.

Act not to extend to patent offices,

s. 2. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to any office in *Ireland* now held or usually granted to be held by letters patent for any estate of inheritance or freehold.

nor to persons resigning before *June* 1, 1803.

s. 3. Provided also, and be it enacted, That nothing herein contained shall extend to any person who shall resign his office or employment on or before the said first day of *June*, one thousand eight hundred and three.

Limitation of actions.

s. 4. Provided also, and be it enacted, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution for the same be commenced within twelve calendar months next after such penalty or forfeiture shall be incurred.

No. 133.—43 Geo. III. c. 55.

An Act to enable his Majesty more effectually to Provide for the Defence and Security of the Realm, during the present War; and for Indemnifying Persons who may suffer in their Property by such Measures as may be necessary for that purpose. 11*th June*, 1803.

Acceptance of commissions not to vacate seats in parliament.

s. 15. And be it further enacted, That the acceptance of any commission, under the authority of this act, shall not vacate the seat of any member returned to serve in parliament.

No. 134.—45 GEO. III. c. 59.

An Act for amending an Act passed in the Parliament of Ireland, *in the thirty-fifth Year of his present Majesty, for regulating the election of Members to serve in Parliament, so far as relates to Freeholds under the yearly Value of Twenty Pounds; and for making further and other Regulations relating thereto.*

27*th June*, 1805.

WHEREAS by an act passed in the parliament of *Ireland*, in the thirty-fifth year of the reign of his present majesty King *George* the Third, entituled, "An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned," it is enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament, by virtue of a freehold under the yearly value of twenty pounds, unless such freehold shall have been in his actual occupation, either by his residing thereon, or tilling or grazing the same, to the amount of forty shillings, yearly value thereof, at the time of his registering the same, pursuant to the provisions of the said act, and also for six successive calendar months at the least, between the date of such registry and the teste of the writ for holding the election, unless such freehold shall have come to such person by devise, descent, marriage or marriage-settlement, and was demised at the time it so came, and continued, at the time of such election, to be held under him by virtue of such demise: And whereas the aforesaid wholesome provisions of the said recited act may be evaded by pretended grants of, or agreements for, leases for a life or lives, though no lease shall have been executed, or such life or lives been nominated: Be it therefore enacted, &c. That every person who, from and after the passing of this act, shall register a freehold under the yearly value of twenty pounds, not arising from a rent-charge, shall register the same in manner and form following, instead of registering it in manner and form prescribed by said recited act, or any law or laws now in force; (that is to say,) he shall, at a sessions of the peace for the county, county of a town, or city, wherein his freehold lies, held twelve months at the least previous to the teste of the writ for holding the election at which he shall tender his vote, produce, in open court, the deed, lease, or instrument under which his freehold arises, and take and subscribe the following oath, or, if a Quaker, the following affirmation:

35 *Geo.* 3. *Ir. c.* 29.

Persons possessing a freehold under 20*l.* not arising from a rent charge, how to register the same.

"I, *A. B.*, of in the county of , [or, of the county of the city, or town of , as the case may be,] do swear, [or, if a Quaker, affirm,] that I am a freeholder of the county of , and that I have a freehold therein, arising from [an house or houses, land, or both, or other he-

Form of oath.

reditaments, as the case may be,] of the clear yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at , [naming the town-land or town-lands, or other denomination by which the place is generally known, and barony or half-barony, or baronies or half-baronies, wherein it is situate,] in this county, [and, if in a city or town, or county of a city or town, naming the same, and the street, and square, row, alley, lane or place;] and that the said freehold does not arise from a rent-charge, and that the same arises by virtue of the deed, lease, or instrument which I now produce, bearing date the day of , in the year , for the life or lives of *A. B.* and *C. D.*, [or, in case the said freehold be not for life or lives, then stating the nature of his tenure, as the case may be,] at the yearly rent of , and that I am in the actual occupation thereof, by residing thereon, or by tilling, or by grazing, or by both tilling and grazing, [as the case may be,] to the amount of at least forty shillings yearly value thereof; and that the said freehold is not set, or agreed to be set, to the person or persons who executed the said deed, lease, or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, nor do I intend to set the same to such person or persons, or any of them; and that I have not agreed to set it, for the term for which I hold it; nor have I procured it fraudulently, or in exchange for a freehold in any other county.

So help me God.

Persons having freeholds arising from a deed or lease, to describe the same in the oath to be taken by them.

And if the freehold, in right or virtue whereof any person shall desire to qualify himself to vote, shall not arise by virtue of a deed, lease, or instrument, the person desiring to register it shall describe the same in the oath or affirmation so to be taken by him, according to the true state and nature of his tenure; in which case the words in the foregoing oath, importing that the same arises by virtue of deed, lease, or instrument, shall be omitted, and such description inserted in the place thereof.

Oath to be recorded.

s. 2. And be it enacted, That every such oath or affirmation shall be read aloud in open court, and be signed by two at least of the justices presiding there; and shall be then delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of the county, county of a city, or town, wherein such freehold shall lie.

Deed or lease produced by persons taking the aforementioned oath, how to be registered.

s. 3. And be it further enacted, That every deed, lease, or instrument, produced by any person making the affidavit or affirmation aforesaid, shall be indorsed at the time, in open court, by the acting clerk of the peace, with his name, and the day of the month and year; and the clerk of the peace shall then and there compare the deed, lease, or instrument, with the affidavit of registry; and he shall, within ten days from the date thereof, enter in the book of his registry, the date thereof, the names of the parties, and the name or names of the life or lives for which the same is held.

s. 4. And be it further enacted, That from and after the twenty-ninth day of *September* one thousand eight hundred and nine, no person shall be admitted to vote at any election to be held in *Ireland*, for a member or members to serve in parliament, by virtue of a freehold under the clear yearly value of twenty pounds, who shall not have so registered his freehold twelve calendar months, at the least, before the teste of the writ for holding the election at which he shall offer his vote; and that every person who shall offer to vote as a freeholder, in right of a freehold under the yearly value of twenty pounds, shall, before he shall be admitted to poll at any election, if required by the sheriff, or any elector, declare, upon oath, from whom he holds or derives his freehold, if he holds it under any person or persons; and if the same be situate in a city, town corporate, or market-town, and describe the street, or part of the city or town in which the same is situate, and who are his next resident neighbours, and when the same was granted, and for what life or lives, and whether such life or lives, or any of them, is or are in being at the time of such election; and whether he is the person who actually registered the freehold under which he desires to vote; and the said declarations, in all such cases, shall be entered in the poll-book taken by the sheriffs, or their deputies, at such election; and he shall, if so required by any elector, before he be admitted to poll, take the following oath:

Persons not to vote until freehold is registered.

From whom derived.

Where situate.

And be sworn.

Form of oath.

"I, *A. B.*, of in the county of [or, of the town or city of] do swear, [or, if a Quaker, do affirm,] that I am a freeholder of this county; and that I have a freehold therein, arising from a house or houses, land, or both, or other hereditaments, [as the case may be,] of the yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at in the barony or baronies, half-barony or half-baronies, of in this county, [and if in a city or town, or county of a city or town, naming the same, and the street, square, row, alley, lane, or place;] and that the said freehold does not arise from a rent-charge. So help me God."

Additional form of oath.

s. 5. Provided always, and be it further enacted, That if any candidate or elector shall desire the words following to be added, "and that the same arises by virtue of a deed, lease or instrument, [or otherwise, as the case may be] bearing date the day of in the year for the life or lives of ; and that the said one of the aforesaid lives, is still alive, to the best of my knowledge and belief;" [unless he is himself one of the lives, in which case he shall swear], "that I am one of the lives therein," instead of the words, "that the said one of the aforesaid lives, is still alive, to the best of my knowledge and belief;" [or in case the said freehold be not for life or lives, then stating the nature of his tenure, or the words following,] "and that I have been in the actual occupation there-

of for twelve successive calendar months, between [naming the day he registered the same,] and [naming the date of the teste of the writ for holding this election,] by residing thereon, or by tilling and by grazing, or by both tilling and grazing, [as the case may be] to the amount of at least forty shillings yearly value thereof [as the case may be];" or the words following, "and that the said freehold is not set, or agreed to be set, to the person or persons who executed the said deed, lease, or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him or them; nor do I intend to set the same to such person or persons, or any of them; and that I have not set it, or agreed to set it, for the term for which I hold it; and that I have not been polled before at this election; and that I am, to the best of my belief, of the age of twenty-one years:" the same shall, or so much thereof as shall be sodesired, shall be added to the said oath or affirmation, before the person offering to vote shall be admitted to poll.

For filling up blanks in affirmations.

s. 6. And be it further enacted, that the blanks in the said oath or affirmation shall be filled up in conformity to the oath or affirmation, which the person going to take the same shall have taken at the time of his registering such freehold.

Repealing provisions of former act.

s. 7. And be it further enacted, That from and after the commencement of this act, all the provisions, clauses, conditions, regulations, and penalties, of the said recited acts, or any acts amending the same, with respect to freeholds, under the yearly value of twenty pounds, and which are not hereby altered or repealed, shall be applied, construed, deemed, and taken to extend to freeholds under the value of twenty pounds, the registry whereof is by this act directed and required, as fully and effectually as if the same were hereby and herein specifically enacted and applied thereto.

Punishing persons granting fraudulent freeholds.

s. 8. And be it enacted, That if any person or persons shall fraudulently and knowingly grant any interest importing to be a freehold which really is not so, with intent to enable any person to vote, such grant shall be good and valid against the grantor thereof for every purpose but enabling the grantee to vote.

Penalty on persons making grants, to induce lessees to register them as freeholds.

s. 9. And be it further enacted, That if such grantor shall be possessed only of a term of years therein, and shall demise the same, or any part thereof, for a life or lives, with intent to induce the lessee therein to register such as a freehold, or to vote as a freeholder thereout, he shall forfeit the sum of one hundred pounds to any person who shall sue for the same by action, bill, plaint or information in any court of law.

Clerk of the peace to take an oath.

s. 10. And for the better securing the performance of the duties hereby and by the said in part recited act, or by any other act or acts directed to be performed by the clerk of the peace or his deputy in respect to the registry of freeholds, be it further enacted, That the several clerks of the peace, or their deputies, of the several counties of *Ireland*, shall at the general quarter sessions of the peace, or adjournment thereof,

next after the passing of this act, or at the next general quarter sessions of the peace, or adjournment thereof, next after his appointment, take and subscribe an oath in the form following; and which oath the justices presiding at the said session are hereby directed and empowered to administer:—

"I, *A. B.*, clerk, or deputy clerk of the peace for the county of [as the case may be], do swear, that I will faithfully and honestly, and without favour or affection, perform and discharge the several duties directed to be performed by the clerks and deputy clerks of the peace, by an act passed in the parliament of *Ireland*, in the thirty-fifth year of the reign of his present majesty, intituled, *An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned;* and by an act passed in the forty-fifth year of the reign of his present majesty's reign, intituled, [here set forth the title of this act]; and that I will not demand or receive any fee or fees for discharging any of the said duties which I am not entitled to by law.

'So help me God.'

And which oath the said clerks and deputy clerks of the peace are hereby required to deliver to the treasurer of the county, to preserve amongst his records of the county.

Returns of freeholders.

s. 11. And be it further enacted, That the said several and respective clerks and deputy clerks of the peace shall from time to time, as directed by the said in part recited act of the thirty-fifth year of his present majesty's reign, give to every freeholder who shall require the same, a full, true, and correct return of the names of all such persons as shall register their freeholds according to the directions of this act and of the said act of the thirty-fifth year of his present majesty's reign, and shall certify at the foot thereof, that the said return so made is true and correct, according to the schedule hereunto annexed.

Act not to prevent persons voting before a limited time.

s. 12. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to prevent any person who shall have registered his freehold before the 1st day of *August* next ensuing, pursuant to the laws in force for that purpose, from voting at any election for a member or members to serve in parliament, the teste of the writ for holding which shall bear date before the twenty-ninth of *September*, one thousand eight hnndred and nine; but every person who might by the law in force vote at any such election, shall and may vote thereat as fully and freely, to all intents and purposes, as if this act had not been made, subject to all and singular the clauses, conditions, oaths, and regulations appointed and provided by the said in part recited act, provided he shall produce to the returning officer, if required by him or any elector, the deed, lease, article, or agreement under which he shall have registered such freehold, duly executed, prior to such registry.

Registry of freeholds.

s. 13. And for the greater convenience of registering freeholds, be it enacted, That every adjournment of a sessions of the peace, and every adjournment of an adjournment shall be deemed a sessions of the peace within the meaning of the said act and this present act; and in case there shall have been no adjournment of such sessions, or no adjournment of an adjournment of such sessions, and that such sessions shall in that case lapse, a sessions shall be holden at which the clerk of the peace, or his deputy, shall and is hereby required to attend for the purpose of registering of freeholders, the first *Monday* in the next month, at the place where the last general sessions of the peace shall have been held, for the purpose of registering freeholders; and every adjournment of every such sessions to any city or market town within the county shall be deemed and taken to be a sessions within the meaning of the said act, or this present act.

Perjury.

s. 14. And be it further enacted, That if any person, in taking any oath or affirmation hereinbefore appointed or authorized to be taken at any registry, or before any returning officer or officers, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any other person to take any such oath or affirmation, whereby he or such person or persons shall commit such wilful perjury, and shall be thereof convicted, he, or such person or persons so offending, shall incur such pains and penalties as are inflicted by any act or acts for the more effectual preventing and further punishment of perjury and subornation of perjury.

Schedule to which this Act refers.

Name of freeholder and residence.	Name of landlord and residence.	Value of freehold.	Description.	Situation.	Barony or half-barony.	Names of life or lives, or other tenure.	Rent.	Date of Registry.

No. 135.—45 GEO. III. c. 91.

An Act for appointing additional Commissioners for the better examining and auditing certain of the Public Accounts of Great Britain. *July* 10, 1805.

Commissioners not to be members of parliament.

s. 7. "AND be it further enacted and declared, That no commissioner to be appointed by virtue of this act shall, during his continuance in such office, be capable of being elected or of sitting as a member of the house of commons.

No. 136.—46 GEO. III. c. 141.

An Act for making more effectual provision for the more speedy and regular Examination and Audit of the Public Accounts of this Kingdom. *July* 22, 1806.

Commissioners not eligible as members of parliament.

s. 22. Provided always, and be it enacted and declared, That no commissioner appointed or to be appointed by virtue of this act, shall, during his continuance in such office, be capable of being elected or of sitting as a member of the house of commons.

No. 137.—47 GEO. III. SESS. 1. c. 1.

An Act to revive and make perpetual and to amend an Act, made in the Forty-second Year of his present Majesty, for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament, and for expediting the proceedings relating thereto.
16*th January*, 1807.

REPEALED by the 9 *Geo. IV. c.* 22.

No. 138.—47 GEO. III. SESS. 1, c. 14.

An Act to amend several Acts, for regulating the Trial of Controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to Ireland.
February 19, 1807.

42 *Geo.* 3. c. 106.

s. 1. "WHEREAS an act was made in the forty-second year of the reign of his present majesty, intituled, *An act for regulating the trial of controverted elections or returns of members to serve in the united parliament for* Ireland, and it is expedient that

further regulations should be made for carrying the said act into execution; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, when any person shall be appointed to be clerk to any commissioners under the said recited act, for the purpose of examining any matters or things referred to them by any select committee of the house of commons, in manner directed by the said recited act, such person so appointed to be clerk shall be sworn by the chairman of the said commissioners, faithfully and truly to take down in writing the evidence adduced before the said commissioners, and from day to day, as occasion may require, to transcribe, or cause the same to be transcribed, for the use of the said commissioners; and that in taking down the said evidence in writing, he will give the exact words in which such evidence shall be delivered in as accurate a manner as the same can possibly be done, and will in all things conduct himself, as such clerk, without favour, affection, or malice, according to the best of his skill and judgment.

Clerk to commissioners for taking evidence under recited act shall be sworn.

s. 2. And be it further enacted, That no person shall be chosen or appointed to be a commissioner under the said recited act, for the purposes of examining any matters or things referred to commissioners by any select committee of the house of commons, for the trial of any petition under the provisions of the said recited act, or to be clerk to such commissioners, who shall have voted at the election in question, or who shall have, or claim any right or title to vote for the county, city, borough, town, or place, respecting which the election or return complained of, or other subject-matter of such petition arose or happened without the consent and approbation, in writing, of the petitioners and sitting members by and against whom any such petition shall be preferred.

No person who has or claims a right of voting shall be a commissioner to take evidence, nor clerk to such commissioners.

s. 3. Provided always, That any objection to the appointment of such commissioner shall be made at the time of his being chosen and appointed, and that any objection to the appointment of such clerk shall be made at the first meeting of the commissioners; otherwise any objection, either to the appointment of commissioner or clerk, shall be invalid and of none effect; and such appointment of commissioner or clerk shall be valid and effectual to all intents and purposes.

Objection to such appointments when to be made.

s. 4. And be it further enacted, That the parties appearing before any select committee of the house of commons, under the said recited act, and delivering any lists of votes, or of the names of voters to which either of the said parties purpose and intend to object, shall, in such lists, specify and particularize against every vote, and against the name of every voter contained in such list, the specific and particular ground or grounds of objection upon which such party purposes and intends to object against such vote or voter respectively; and that no evidence shall be adduced before such

Lists of votes and voters objected to shall state the specific objections to each; and if objections are stated in support of which no evidence is produced, they shall be deemed frivolous and vexatious, and the party objecting shall pay costs.

select committee, or before any commissioners to be appointed under the said recited act, against the validity of any vote or voter, upon any ground of objection to such vote or voter, other than one of the grounds so specified and particularized; and that if any ground of objection shall be stated against any vote or voter, and no evidence shall be produced before such select committee, or before such commissioners, to substantiate the objection against such voter or voters, upon such ground of objection so stated; and if the select committee appointed for the trial of the petition whereon such proceeding shall arise, shall be of opinion that such proceeding was frivolous and vexatious, the said committee shall report the same to the house of commons, together with their opinion on the other matters relating to the said petition; and the party or parties against the voter or voters for whom any objection or objections shall be made, on which no evidence shall be produced, shall, in such case, be entitled to recover from the party or parties, by or on whose behalf any such objection or objections was or were made, the full costs and expenses incurred by reason of such frivolous and vexatious objection or objections; which costs and expenses shall be ascertained and recovered in the same manner and form as are now provided by law for the recovery of costs and expenses in cases of frivolous or vexatious petitions, or frivolous or vexatious opposition to any petition.

Select committees, after proceedings before commissioners in *Ireland*, may send for papers, &c. produced before such commissioners, without re-assembling the commissioners, but shall not enter into new points thereon.

s. 5. And be it further enacted, That when any select committee of the house of commons shall re-assemble to try and determine the merits of any petition under the said recited act, after any proceedings shall have been had by or before any commissioners appointed under the said recited act, for examining any matter which shall have been referred to them by such select committee, it shall and may be lawful for such select committee to send for all or any such books, papers, and records, or other written documents, as were produced in evidence before such commissioners, in like manner as such select committee might have done, if no such proceedings had been had by or before such commissioners, and without directing any warrant to the chairman of the said commissioners, and without ordering or directing the said commissioners to re-assemble: provided always, That such select committee shall, in all other respects, proceed to try the merits of such petition, in manner directed by the said recited act, and shall determine on all such matters and things as shall have been tried and examined by the said commissioners from the written minutes of the evidence and proceedings before the said commissioners, and from the inspection of such books, papers, records, and documents, so far only as may relate to such evidence and proceedings; but such select committee shall not call for, or receive in evidence, any extracts from such books, papers, records, or documents, other than such as were received and produced before such commissioners, nor to any point, or matter not in issue before such commissioners.

Clerk to commissioners to be paid three pence per sheet only for copies of minutes and evidence.

s. 6. And be it further enacted, That the clerk to be appointed by any commissioners for the purpose of examining matters and things referred to them by any select committee, under the said recited act, shall, from time to time, make or cause to be made, true copies of the minutes of all proceedings before such commissioners, and of all such evidence as shall be given or produced before them, and shall give one such copy to each of the parties interested, or his or their agent, or to such of them as shall demand the same, on being paid for each sheet of the said copy, consisting of seventy-two words, the sum of three-pence and no more; and that for copies of the said minutes and evidence to be transmitted by such clerk of the commissioners to the clerk of the crown in *Ireland*, and to the speaker of the house of commons in manner directed by the said recited act, such clerk shall receive from the lords commissioners of the treasury in *Dublin*, such sum as the said commissioners, whose clerk he was, shall think fit, not exceeding in any case the sum of three-pence for every sheet consisting of seventy-two words, which such copy shall contain, and no more; any thing in the said recited act to the contrary notwithstanding.

Limiting the sum to be received by the clerk to the commissioners for copies of proceedings, &c.

s. 7. Provided always, and be it further enacted, That the sum to be received by any clerk to any such commissioners for such copies shall not, in any instance or under any rate of calculation, exceed the sum of fifty pounds for each such copy, containing as well the minutes of all proceedings as of all evidence given or produced before such commissioners, and delivered to either of the parties interested, or his agent, or transmitted to the clerk of the crown in *Ireland*, or to the speaker of the house of commons, respectively; any thing in this act, or in the said recited act, to the contrary notwithstanding.

[s. 8. This section, relating to the discharge of the order for taking a petition into consideration, is repealed by the 9 *Geo. IV. c.* 22, *s.* 1.]

Powers of former act extended to this act.

s. 9. And be it further enacted, That all the clauses, powers, penalties, and provisions in the said recited act of the forty-second year of his present majesty, mentioned and contained, and not hereby altered or repealed, shall be applied in execution of this act as fully and effectually, to all intents and purposes, as if the said clauses, powers, penalties, and provisions, were expressly repeated and re-enacted in this act.

No. 139.—47 GEO. III. SESS. 2, c. 20. (*a*)

An Act to enable His Majesty to appoint the Chancellor of the Exchequer, for the time being in Ireland, *one of the Commissioners for executing the Office of Lord High Treasurer in England, without Salary.* 1*st August*, 1807.

Such appointment not to be deemed a place of profit, &c.

s. 3. And be it enacted and declared, That the said appointment of the chancellor of the exchequer of *Ireland*, to be a lord commissioner of the treasury in *England*, shall not be deemed or taken to be an appointment to a new office or place of profit under the crown, and that the chancellor of the exchequer of *Ireland* for the time being, so being one of the said lords commissioners of the treasury, shall not thereby be disabled from sitting or voting as a member of the house of commons, nor shall he thereby be rendered incapable of being elected a member of the house of commons, nor shall the appointment of such chancellor of the exchequer to be such lord commissioner, make void his election, nor shall any new writ issue for a new election in consequence of the acceptance of such appointment, any thing in the said recited act,† or any other act, to the contrary notwithstanding.

† 6 *Ann. c.* 7.

No. 140.—48 GEO. III. c. 140.

An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin *Metropolis.* 30*th June*, 1808.

Divisional justices, &c. incapable of sitting in the house of commons, and such of them as may be barristers incapable of practising. (*b*)

s. 14. And be it enacted, That the said divisional justices and receiver, and all other persons holding any office in or under the said police establishment, shall be incapable of being chosen members of or sitting in the house of commons in any parliament during such time as they shall hold the said offices respectively; and that no barrister who shall be appointed or elected a divisional justice under this act, shall, while he shall hold the said office, practise as a barrister in any court whatever, or do any business as a barrister out of court, in drawing deeds or pleadings in law or in equity, or any draft or drafts thereof respectively, or in giving any opinion or opinions, or otherwise; and if any such barrister shall offend herein, he shall for every such offence forfeit the sum of five hundred pounds sterling.

No barrister or other officer act-

s. 15. And be it further enacted, that no barrister or other officer or person nominated or appointed by or under this act

(*a*) See the 56 *Geo.* 3. *c*, 98, and 57 *Geo.* 3. *c.* 48, by which the two exchequers were consolidated.

(*b*) See the like clause in the 35 *Geo.* 3. *Ir. c.* 36. *s.* 102, repealed by this act.

ing under this act, to vote in the election of members of parliament.

(except the said divisional justices who shall be aldermen, sheriffs peers, or common councilmen), shall, during the time he shall continue in his office, or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in parliament for the county of *Dublin* or the city of *Dublin* respectively, nor shall by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for his choice of any person to be a member to serve in parliament for the said county and city of *Dublin* respectively; and every such officer or person as aforesaid, offending therein, shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, and the other moiety to be paid to the said receiver of the said public offices, to be applied to the uses of the said establishment; to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Dublin*, in which no essoign, protection, privilege, wager of law, nor more than one imparlance shall be allowed; such action to be brought within the space of one year after such offence so committed; Provided always that nothing in this act shall extend or be construed to extend, to subject such officer or person as aforesaid, to any penalty or penalties for any act or acts done by him, at or concerning any of the said elections in discharge of his duty or duties in his respective capacity.

All crimes committed within Circular-road to be tried in the

s. 57. *(a)* And, for carrying into execution the good purposes of this act, be it enacted, That all treasons, felonies, misdemeanors, crimes, and offences whatsoever, which shall here-

(*a*) The 3 *Geo.* 3. *Ir.* *c.* 36, amended by the 15, 16 *Geo.* 3. *c.* 28, for making more convenient the approaches to the city of *Dublin*, by making a new turnpike road on the S. the W. and the N. side, to commence at the road leading from *Dublin* to *Donnybrook*, and to terminate at *Cavendish-street*, were repealed by the 17, 18 *Geo.* 3. *Ir.* *c.* 10, for making and keeping in repair a circular road round the city of *Dublin*. The 25 *Geo.* 3. *Ir.* *c.* 56, was passed for amending that act, and the 40 *Geo.* 3. *Ir* *c.* 74, for amending both.

By the 17, 18 *Geo.* 3, the road was to be made "sixty feet wide in the clear at the least, beginning at the river *Anna Liffey* near the *Marine Nursery*, and from thence to the new bridge lately built on the south of *Kilmainham*, and from thence across the said river *Anna Liffey* at or near *Island Bridge*, and to be continued on the outside of his majesty's park, the *Phœnix*, to the northward of *Prussia-street*, and the fields of *Henry Meredyth*, esq., near the road from *Dublin* to *Finglass*, and from thence to the northward of *Eccles-street*, and from thence to the river *Anna Liffey*, eastward to the delph manufactory lately kept by *Thomas Ashburne*."

The 40 *Geo.* 3. *s.* 2, enables the directors of the road to divide it into two sections, one commencing at the bridge over the river *Anna Liffey*, called *Sarah* bridge, and lying to the northward of the said river, and the other commencing at the said bridge, and lying to the southward, &c.; and, by *s.* 5, the directors, with the approbation of the commissioners for making wide streets, &c., are empowered to *alter* and change such part and parts of the road as they shall judge advisable, and to lay out a new road in place thereof.

See the *Irish* boundary act, 2, 3 *Will* 4. *c.* 89, *sched.* 13. *Dublin*, by which such parts of the county at large as lie within "*the Circular-road*," are included within the boundary of the city as to the elections of members or a member to serve in parliament.

after be done or committed in any place situate in or upon any part of the circular road surrounding the city of *Dublin*, or in any place situate within the limits circumscribed by the said Circular-road, shall be prosecuted, proceeded on, and tried in the same court and courts, and in the same manner in all respects, as if the same had been committed within the county of the city of *Dublin*, and shall be laid in any indictment to have been committed within the said county of the city of *Dublin*; and that as to the prosecution, apprehension, and trial of all persons charged with any of the said crimes or offences hereafter to be committed, the said Circular-road, and every place lying within the same, shall be and be deemed and taken to be part and parcel of the county of the city of *Dublin*, and that the sessions of the peace for the county of the city of *Dublin* shall not be adjourned for any greater length of time than from six weeks to six weeks, and that it shall and may be lawful to hold the said sessions during the law terms; provided, however, that nothing herein contained shall prevent the holding of the sessions of the peace for the county of *Dublin* in the usual place for holding the same, or shall in anywise affect the prosecution or trial of any person accused of having committed perjury on any trial held before a jury of the county of *Dublin*, but that all and every the said matters shall proceed as if this act had not passed. county of the city of *Dublin*.

s. 58. And whereas, the continuation of the said Circular-road is interrupted by his majesty's park called the *Phœnix*, on the west side of the said city, by reason whereof doubts may arise as to divers parts and places adjacent thereto, whether the same ought to be deemed and taken to be within the limits surrounded by the said Circular-road or not; for obviating of which doubts, be it enacted, That where the said circular road is so interrupted on the west side of the said city, the wall bounding his majesty's said park, the *Phœnix*, on the east side of the said park, and extending from the said Circular-road, where the same meets the said wall on the south side of the said park, to the said Circular-road, where the same meets the said wall on the north side of the said park, shall, as to the said purpose, be taken and considered as and in the place and stead of the said Circular-road; and that all places which would be within the limits surrounded by the said circular road, if the same were continued in the line in which the said piece of wall now runs, shall for the purpose aforesaid, be deemed, taken, and considered to be within the limits surrounded by the said Circular-road; provided, however, that nothing in this act contained shall in anywise be construed so as to prevent any offence from being prosecuted or tried in the county of the city of *Dublin*, which would by law have been so prosecuted or tried if this act had not passed. Circular-road defined.

s. 59. And whereas, by the provisions of this act, the duties of the recorder of the city of *Dublin* will be considerably encreased: And whereas his present salary is inadequate to the trouble and importance of his office; be it therefore further Lord Lieutenant empowered out of police funds to increase recorder's salary.

enacted, That it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, to direct the yearly sum of one thousand pounds, clear of all taxes and deductions, to be paid out of the funds applicable to the expenses of the said police establishment, to the said recorder of the city of *Dublin*, clear of all taxes and deductions whatsoever, in augmentation of his salary.

No. 141.—49 Geo. III. c. 118.

An Act for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining of seats in Parliament by corrupt practices.

19*th July*, 1809.

Whereas it is expedient to make further provisions for preventing corrupt practises in the procuring of elections and returns of members to sit in the house of commons: And whereas the giving, or procuring to be given, or promising to give or to procure to be given any sum of money, gift, or reward, or any office, place, employment, or gratuity, in order to procure the return of any Member to serve in parliament, if not given to or for the use of some person having a right or claiming to have a right to act as returning officer, or to vote at such election, is not bribery within the meaning of an act passed in the second year of King *George* the Second, intituled, *An act for the more effectual preventing bribery and corruption in the election of members to serve in parliament*, but such gifts or promises are contrary to the ancient usage, right, and freedom of elections, and contrary to the laws and constitution of this realm; be it declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall, from and after the passing of this act, either by himself, herself, or themselves, or by any other person or persosn for or on his, her, or their behalf, give or cause to be given, directly or indirectly, or promise or agree to give any sum of money, gift, or reward, to any person or persons, upon any engagement, contract, or agreement, that such person or persons to whom, to whose use, or on whose behalf such gift or promise shall be made, shall, by himself, herself, or themselves, or by any other person or persons whatsoever at his, her, or their solicitation, request or command, procure or endeavour to procure the return of any person to serve in parliament for any county, stewartry, city, town, borough, cinque port, or place, every person so having given or promised to give, if not returned himself to parliament for such county, stewartry, city, town, borough, cinque port, or place, shall for every such gift or promise, forfeit the sum of one thousand

2 *G.* 2. *G. B. c.* 24.

Penalty on persons entering into any engagement for money, gifts, or rewards, to procure or endeavour to procure the election or return of a member to serve in parliament.

pounds, to be recovered in such manner as is herein-after provided, with respect to the sum of five hundred pounds, and every such person so returned, and so having given or so having promised to give, or knowing of and consenting to such gifts or promises, upon any such engagement, contract, or agreement, shall be and is hereby declared and enacted to be disabled and incapacitated to serve in that parliament for such county, stewartry, city, town, borough, cinque port, or place, and that such person shall be deemed and taken, and is hereby declared and enacted to be deemed and taken to be no member of parliament, and enacted to be, to all intents, constructions, and purposes, as if he had never been returned or elected a member in parliament; and any person or persons who shall receive or accept of, by himself, herself, or themselves, or by any other person or persons in trust for or to the use or on the behalf of him, her, or them, any such sum of money, gift, or reward, or any such promise upon any such engagement, contract, or agreement, shall forfeit to his majesty the value and amount of such sum of money, gift, or reward, over and above the sum of five hundred pounds, which said sum of five hundred pounds he, she, or they shall forfeit to any person who shall sue for the same, to be recovered with such costs of suit by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, if the offence be committed in that part of the united kingdom called *England* and *Wales*, and in any of his majesty's courts of record at *Dublin*, if the offence be committed in *Ireland*, wherein respectively no essoign or wager of law, or more than one imparlance shall be allowed; and if the offence be committed in *Scotland*, then to be recovered with full costs of suit by summary action or complaint before the court of session, or by prosecution before the court of justiciary there.

Act not to extend to legal expenses.

s. 2. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend to any money paid or agreed to be paid to or by any person, for any legal expense *bonâ fide* incurred at or concerning any election.

Penalty on persons entering into contracts or agreements to give or procure any office, place, or employment, in order to the election or return of a member in parliament, or who shall receive or accept of any such office, &c.

s. 3. And be it further enacted, That if any person or persons shall, from and after the passing of this act, by himself, herself, or themselves, or by any other person or persons, for or on his, her, or their behalf, give or procure to be given, or promise to give or procure to be given, any office, place, or employment, to any person or persons whatsoever, upon any express contract or agreement that such person or persons, to whom or to whose use or on whose behalf such gift or promise shall be made, shall by himself, herself, or themselves, or by any other person or persons at his, her, or their solicitation, request, or command, procure or endeavour to procure the return of any member to serve in parliament for any county, stewartry, city, town, borough, cinque port, or place, such person so returned, and so having given or procured to be given, or so having promised to give

or procure to be given, or knowing of and consenting to such gift or promise upon any such express contract or agreement, shall be and is hereby declared and enacted to be disabled and incapacitated to serve in that parliament for such county, stewartry, city, town, borough, cinque port or place, and that such person shall be deemed and taken, and is hereby declared and enacted to be deemed and taken to be no member of parlirment, and enacted to be to all intents, constitutions, and purposes as if he had never been returned or elected a member in parliament; and any person who shall receive or accept of, by himself, herself, or themselves, or by any other person or persons in trust for or to the use or on the behalf of such persons, any such office, place, or employment, upon such express contract or agreement, shall forfeit such office, place, or employment, and be incapacitated for holding the same, and shall forfeit the sum of five hundred pounds, which said sum of five hundred pounds shall be recovered as is herein-before enacted; and any person holding any office under his majesty, who shall give such office, appointment, or place, upon any such express contract or agreement, that the person to whom or for whose use such office, appointment, or place shall have been given, shall so procure or endeavour to procure the return of any person to serve in parliament, shall forfeit the sum of one thousand pounds, to be recovered in such manner as is herein-before provided.

Limitation of actions.

s. 4. And be it further enacted, That no person shall be made liable to any forfeiture or penalty by this act created or imposed, unless some prosecution, action, or suit for the offence committed, shall be actually and legally commenced against such person, within the space of two years next after such offence against this act shall be committed, and unless such person shall be actually and legally arrested, summoned, or otherwise served with any original or other writ or process within the same space of time, so as such arrest, summons, or service of any original or other writ or process shall not be prevented by such person absconding or withdrawing out of the jurisdiction of the court out of which such original or other writ or process shall have issued; and in case of any such prosecution, suit, or process as aforesaid, the same shall be proceeded in and carried on without any wilful delay; and that all statutes of jeofails and amendments of the law whatever shall and may be construed to extend to all proceedings in any such prosecution, action, or suit.

No. 142.—49 GEO. III. c. 120.

An Act for amending and reducing into One Act of Parliament the several laws for raising and training the Militia of Ireland.

19*th June*, 1809.

s. 34. And be it further enacted, That the acceptance of any commission in any regiment or battalion of the said militia shall not nor shall be construed to vacate the seat of any member returned to serve in parliament. Militia commission shall not vacate seat in parliament. (*a*)

s. 62. Provided always, and be it enacted, That any officer or non-commissioned officer of the militia, or private militia man, having voice or vote at any election to be held in *Ireland* for any member or members to serve in parliament shall, if he or they shall require, have leave for a reasonable time, to be expressed in such leave, to go to, and return from such election; and no such officer, non-commisssioned officer, or private, shall be liable to any penalty or punishment for or on account of his absence during the time expressed in such leave. Leave of absence to vote at elections of members of parliament. (*b*)

No. 143.—50 GEO. III. c. 53.

An Act for enabling Tenants in Tail and for Life, and also Ecclesiastical Persons, to grant Land for the purpose of endowing Schools in Ireland. 24*th May*, 1810.

s. 3. Provided always and be it enacted, That no grantees or lessees, or his or their heir or heirs, successor or successors, shall be qualified to vote at the election of any member to serve in parliament, as a freeholder, by virtue of any grant or lease made by virtue of this present act. Grantee not entitled to vote at an election.

No. 144.—51 GEO. III. c. 1.

An Act to provide for the Administration of the Royal Authority, and for the care of his Majesty's Royal Person, during the continuance of his Majesty's illness; and for the Resumption of the Exercise of the Royal Authorty by his Majesty. 5*th Feb.* 1811.

s. 25. And be it further enacted, That if any person, being a member of the house of commons, shall accept of any office Election of members void by appointment to

(*a*) See the clause in the 35 *Geo.* 3. *Ir. c.* 8. *s.* 30, repealed by this act.
(*b*) See a similar clause in the 33 *Geo. Ir. c.* 22. *s.* 108, repealed by this act.

office by the regent or her majesty.

of profit from the crown, by the nomination and appointment of the regent in the name and on behalf of his majesty, or of her majesty the queen, during the continuance of the regency hereby established, the election of such member shall be and is hereby declared to be void, and a new writ shall issue for a new election, in such and the like number as if such person had been appointed to such office by his majesty.

No. 145—51 Geo. III. c. 77.

An Act to Amend the Laws for Regulating the Election in Ireland *of Members to serve in Parliament.*

15*th June*, 1811.

4 *Geo.* 3. *c.* 59.

'Whereas by an act made in the forty-fifth year of his present majesty's reign, intituled, *An act for amending an act passed in the parliament of* Ireland *in the thirty-fifth year of his present majesty, for regulating the election of members to serve in parliament, so far as relates to freeholds under the value of twenty pounds, and for making further and other regulations relating thereto*, it is among other things enacted, That every person who shall register a freehold under the yearly value of twenty pounds, not arising from a rent charge, shall register the same twelve months previous to the teste of the writ for holding the election at which he shall tender his vote in manner and form required by the said act, and for that purpose he shall produce in open court at a session of the peace, the deed, lease or instrument under which his freehold arises, and take and subscribe the oath, or if a quaker, the affirmation in form prescribed in the said act: And whereas doubts have arisen as to the words to be used in certain parts of such oath or affirmation respectively;" for the obviating of all such doubts, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every oath or affirmation which shall have been made at any time before the passing of this act, or which shall be made at any time after the passing of this act, for the purpose of registering his freehold as aforesaid, shall be and the same is hereby declared to be good, valid, sufficient and effectual in law, if the party making such oath or affirmation shall have stated or shall state in such oath or affirmation, that his freehold arises either by virtue of a deed, or by virtue of a lease, or by virtue of an instrument, produced by him, or by virtue of a deed, lease, or instrument, produced by him, whether all or any or either of the said terms, deed, lease, or instrument, are used in such oath or affirmation; and that every such oath or affirmation shall be good, valid, sufficient and effectual in law, in which either the whole yearly rent or the yearly rent per acre, or such yearly rent per acre,

Oaths respecting registry of freeholders declared valid, if stated in manner herein mentioned.

together with the number of acres, shall be stated; and whether the amount of receivers' fees and duties is or is not included in the specified amount of such rent, or whether the sums have been or shall be set forth in figures or in words at length; and that every such oath or affirmation shall be good, valid, sufficient and effectual in law, in which the actual occupation of such freehold shall be stated to be either by residing thereon, or by tilling, or by grazing, or by tilling or grazing, or by both tilling and grazing, or by all or any or either of the said means, whether stated copulatively or disjunctively.

Term of twelve months deemed twelve calendar months.

s. 2. "And whereas doubts have arisen whether by the said recited term of twelve months is meant calendar or lunar months;" be it declared and enacted, That the said term of twelve months shall be deemed and taken to mean twelve calendar months.

Papists taking oaths, etc. under *Irish* acts 13 & 14, and 33 *Geo.* 3. entitled to vote as under: 7 *Geo.* 3.

s. 3. And be it further enacted, that any papist or person professing the Roman Catholic religion, who at any time before the passing of this act shall have taken and subscribed, or who after the passing of this act shall take and subscribe, at any time previous to his offering to poll at any election, the oaths and declarations contained in an act, passed in the thirteenth and fourteenth years of his present majesty's reign, intituled, *An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him*, and also an act passed in the thirty-third year of his present majesty's reign, intituled, *An act for the relief of his majesty's Popish or Roman Catholic subjects in* Ireland, in some one of his majesty's four courts in the city of *Dublin*, or at any assizes, or at a general sessions of the peace, or at any adjournment thereof, or at any adjournment of an adjournment thereof, to be holden for any county, city, or town, wherein such papist or person professing the Roman Catholic religion doth or shall inhabit or dwell, in open court, or at any election in manner herein provided, shall be entitled to vote at such election in like manner as if he had taken and subscribed such oath and declaration in manner and at the time required by an act, made in the parliament of *Ireland* in the thirty-seventh year of his present majesty's reign, intituled, *An act for the further regulation of the election of members to serve in parliament.*

Returning officer to appoint persons to administer oaths, &c. at places of elections.

s. 4. "And, in order that any person desirous of taking and subscribing such oaths and declarations at any election may have an opportunity of so doing;" be it enacted, That from and after the passing of this act, when a poll shall be demanded at any election of a member or members to serve in parliament for any county, city, town, or borough in *Ireland*, the returning officer or officers at any such election, after such poll shall be demanded, shall, at the instance and request of any candidate or candidates at such election, under his or their hand or hands immediately after such request, and before he or they shall proceed further in taking the poll, retain, nominate, and appoint two or more justices of the peace (as the case may

require) to administer the oaths and declarations required in and by the said herein-before recited acts, in some convenient part of the court or place where such election shall be carrying on, so as not to interrupt the poll; and the clerk of the peace, or a deputy by him appointed by writing under his hand for that purpose, shall attend such persons during the administration of such oaths and declarations, and shall give to every person so taking and subscribing such oaths and declarations a certificate thereof, in manner required by the said recited acts, and the persons to be appointed as aforesaid shall have full power, and they are hereby authorized and required, to administer all and every such oaths and declarations to every person desirous of taking and subscribing the same; and every such person so appointed as aforesaid, shall immediately after such appointment and before he shall take upon him to act under such appointment, take the following oath, that is to say,

Clerk of the peace is to give a certificate thereof to persons applying.

'I do swear, That I will faithfully and impartially administer the oaths and declarations now required to be taken and subscribed by Papists or persons professing the Roman Catholic religion, by an act passed in the thirteenth year of his present majesty's reign, intituled, *An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him*; and also another act, passed in the thirty-third year of his present majesty's reign, intituled, *An act for the relief of his majesty's Popish or Roman Catholic subjects in* Ireland.'

Oath to be taken by persons administering oaths.

And every clerk of the peace or his deputy so appointed for the purpose as aforesaid, shall at the same time take the following oath; that is to say,

'I do swear, That I will, on being thereunto requested, fairly and truly give to every person who shall now take and subscribe the oaths and declarations required by law to be taken by persons professing the Roman Catholic religion, in order to entitle them to vote at any election, before the commissioners appointed by the returning officer for that purpose, a certificate thereof as required by law; and that I will not give any such certificate to any person before he shall have taken and subscribed such oaths and declarations as shall be mentioned in such certificate, before me and in my presence.'

Oath to be taken by the clerk of the peace.

Which oath, to be taken by the several persons respectively so to be appointed, the returning officer or officers, or any of them, is and are hereby authorized and required to administer.

Proper officer of the court to transmit to the rolls office, rolls containing names &c. of persons taking such oaths &c.

s. 5. 'And whereas by the said recited act of the thirty-third year of his present majesty's reign, it is enacted, That the names of such persons who shall so take and subscribe the said oaths and declarations, with their titles and additions, shall be entered upon rolls for that purpose to be appointed by the said respective courts; and that the said rolls shall be transmitted to and deposited in the rolls office in the City of *Dublin*, to remain amongst the records thereof.' Be it therefore enacted, That the officer of the court where such oaths

and declarations shall have been taken and subscribed, shall, on or before the first day of *January*, one thousand eight hundred and twelve, transmit to the said office of the rolls all such rolls as shall not have been duly transmitted before the passing of this act; and that such officer shall also, within fourteen days after the first day of *January*, in each and every subsequent year, transmit to the said office of the rolls, all rolls containing the names, titles and additions of all persons who shall have taken and subscribed such oaths and declarations, which shall remain in the office of such court previous to such first day of *January* in each year.

Officer to enter in a book names, &c. of such persons contained in such rolls.

s. 6. And be it further enacted, That such officer shall, previous to his transmitting such rolls as aforesaid to the rolls office, justly and truly enter in a book, in alphabetical order, the names, residence and additions of all persons whose names shall be entered in such rolls, and such book shall be open to the inspection of any person requiring to see the same, on paying to such officer a fee of two shillings and sixpence: and in case any person who shall have taken and subscribed, or who shall hereafter take and subscribe such oaths and declarations in such court, shall, at any time after the passing of this act, be desirous of obtaining a certificate thereof, and shall demand the same from such officer; and if upon reference to such book, it shall appear that the name with the residence of such person is contained therein, and that such person so demanding a certificate shall verify on oath that he actually did at any former time take and subscribe such oaths and declarations in such court, then such officer shall on demand give to such person a certificate thereof in manner required by the said recited act.

Votes refused on account of invalidity of certificate, the person allowed a new one.

s. 7. And be it further enacted, That if the vote of any person to whom such certificate shall be given shall be refused on account of the invalidity of any such certificate, as not being in the form required by law, it shall and may be lawful for such person or persons to demand from the clerk of the peace, his deputy or other proper officer, a new and sufficient certificate in the form required by law, on paying to such officer a fee of one shilling; and such person shall be permitted to poll (if in all other respects duly qualified) upon producing such new certificate, notwithstanding such former refusal.

Penalty on officer of court neglecting to transmit rolls or make out lists, &c. 100*l*.

s. 8. And be it further enacted, That every such officer of court who shall neglect or omit to transmit in manner and within the time required as aforesaid, the said rolls to the rolls office, or who shall refuse or neglect to make such alphabetical lists, or who shall omit from such alphabetical list the name of any person entered on such rolls and entitled to any such certificate as aforesaid, or who shall insert in such alphabetical list the name of any person not so entered and entitled, or who shall refuse or neglect to give any certificate herein required to be given, shall, for every such offence, forfeit the sum of one hundred pounds; to be recovered by bill, plaint or information, in any of his majesty's courts of record in *Dublin*.

No. 146.—52 Geo. III. c. 51.

An Act to provide for the more speedy Examination, Controuling, and finally auditing the Military Accounts of Ireland. *5th May,* 1812.

Commissioners not to sit in parliament.

s. 3. Provided always, and be it enacted and declared, That no commissioner appointed or to be appointed by virtue of this act, shall, during his continuance in such office, be capable of being elected or of sitting as a member in the house of commons.

No. 147.—52 Geo. III. c. 52.

An Act to provide for the speedy and regular Examination and Audit of the Public Accounts of Ireland; *and to repeal certain former Acts relating thereto. 5th May,* 1812.

Commissioners shall not sit in parliament.

s. 4. Provided always, and be it enacted and declared, That no commissioner appointed or to be appointed by virtue of this act, shall, during his continuance in such office, be capable of being elected or of sitting as a member of the house of commons.

No. 148.—52 Geo. III. c. 144.

An Act to suspend and finally vacate the Seats of Members of the House of Commons, who shall become Bankrupts, and who shall not pay their Debts in full within a limited time. 23d July, 1812.

Declaring seats of members to be vacant in certain cases of bankruptcy.

s. 1. "Whereas it is highly necessary, for the preservation of the dignity and independence of parliament, that members of the house of commons of the united kingdom, who become bankrupts, and do not pay their debts in full, shall not retain their seats;" be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, whenever a commission of bankruptcy shall issue and be awarded against any person being a member of the house of commons, and he shall be found and declared a bankrupt under the same, such member shall be and shall remain during twelve calendar months from the time of the issuing thereof, utterly incapable of sitting and voting in the said house of commons, unless within the said period such commission shall be superseded, or unless within

the same period the creditors of such member of the house of commons proving their debts under the commission of bankruptcy shall be paid or satisfied to the full amount of their debts, under the said commission: Provided always, that such of the debts, if any, as shall be disputed by such bankrupt, if he shall, within the time aforesaid, enter into a bond or bonds, in such sum or sums, with two sufficient sureties to be approved by the commissioners under the said commission of bankruptcy, or the major part of them, to pay such sum or sums of money as shall be recovered in any action, suit, or other proceeding in law or equity, concerning such debt or debts, together with such costs as shall be given in the same, shall be considered for the purposes of this act as paid or satisfied.

And the speaker to issue his writ for the election of another member.

s. 2. And be it further enacted by the authority aforesaid, That if the said commission shall not within twelve calendar months from the issuing thereof be superseded, nor the debts satisfied in manner aforesaid, then the commissioners, or the major part of them named in such commission, shall and they are hereby required, immediately after the expiration of twelve calendar months from the issuing of the said commission, to certify the same, as the case may be, to the speaker of the house of commons of the united kingdom, and thereupon the election of such member shall be and is hereby declared to be void; and it shall and may be lawful for the speaker of the house of commons for the time being, during any recess of the said house, whether by prorogation or adjournment, and he is hereby required forthwith after receiving such certificate, to cause notice thereof to be inserted in the *London Gazette*, and upon the expiration of fourteen days after the day of inserting such notice in the *Gazette*, to issue his warrant to the clerk of the crown, to make out a new writ for electing another member in the room of such member who shall have so vacated his seat: provided always that nothing herein contained shall extend to enable the speaker of the house of commons to issue his warrant for the purposes aforesaid, unless such certificate shall have been delivered to him so long before the then next meeting of the house of commons for the dispatch of business, as that the writ for the election, may be issued before the day of such next meeting of the house of commons.

Extending the provisions of 24 *Geo.* 3. *c.* 26. See *ante*, p. 69. *n.*

s. 3. And be it further enacted by the authority aforesaid, That all and every of the powers contained in an act of the twenty-fourth year of the reign of his present majesty, for repealing so much of two former acts as authorized the speaker of the house of commons to issue his warrant to the clerk of the crown for making out writs for the election of members to serve in parliament in the manner therein mentioned, and for substituting other provisions for the like purposes, so far as such powers enable the speaker of the house of commons to nominate and appoint other persons, being members of the house of commons, to issue warrants for the making out of new writs during the vacancy of the office of speaker, or dur-

ing his absence out of the realm, shall be and they are hereby made to be in force for the purpose of enabling him to make the like nomination and appointment for issuing warrants under the like circumstances and conditions, for the election of members of parliament in the room of such whose seats shall become vacant under the provisions of this act."

No. 149—53 Geo. III. c. 71.

An Act for amending and rendering more effectual the Laws for the Trials of controverted Elections and Returns of Members to serve in Parliament. 22*d June*, 1813.

[Repealed by the 9 *Geo. IV. c.* 22. *s.* 1.]

No. 150.—53 Geo. III. c. 89.

An Act for the more regular Conveyance of Writs for the Election of Members to serve in Parliament. 2*d July*, 1813.

Messenger of the great seal to carry writs to sheriffs of *London* and *Middlesex*; and all other writs to the postmaster-general, who shall forward the same &c.

"For the more expeditious and regular conveyance of writs for the election of members to serve in parliament," be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that when any new parliament shall at any time hereafter be summoned or called, as also in all cases of vacancy during this present or any future parliament, the messenger or pursuivant of the great seal, or his deputy, shall, after the receipt thereof, forthwith carry such of the said writs as shall be directed to the sheriffs of *London*, or sheriff of *Middlesex*, to the respective offices of such sheriffs or sheriff; and all such other writs to the general post office in *London*, and there deliver the same to the postmaster or postmasters general for the time being, or to such other person or persons as the said postmaster or postmasters-general shall depute to receive the same, (and which deputation they are hereby respectively required to make,) who on receipt thereof shall give an acknowledgment in writing of such receipt to the said messenger or his deputy, from whom the same shall be received, expressing therein the time of such delivery, and shall keep a duplicate of such acknowledgment, signed by the parties respectively to whom and by whom the same shall be so delivered; and the said postmaster or postmasters-general, or such their deputy or deputies, shall dispatch all such writs, free from the charges of postage (which they are hereby authorized to do,) by the first post or mail after the receipt thereof, under covers respectively directed to the

proper officer or officers to whom the said writs shall be respectively directed, and to no other person whomsoever, accompanied with proper directions to the postmaster, or deputy postmaster of the town or place, or nearest to the town or place where such officer or officers shall hold his or their office, requiring such postmaster or deputy postmaster forthwith to carry such writs respectively to such office, and to deliver the same there to such officer or officers to whom the same shall be respectively directed, or to his or their deputy or deputies, who are hereby respectively required to give to such postmaster or deputy postmaster a memorandum in writing, under his or their hand or hands, acknowledging the receipt of every such writ, and setting forth the day and hour the same was delivered by such postmaster or deputy postmaster, which memorandum shall also be signed by such postmaster or deputy postmaster, who are hereby required to transmit the same by the first or second post afterwards, to the said postmaster or postmasters general, or their respective deputies at the said general post office in *London*, who are hereby required to make an entry thereof in a proper book for that purpose, and to file and keep such memorandum along with the duplicate of the said acknowledgment, signed by the said messenger as aforesaid, to the intent that the same may be inspected or produced upon all proper occasions, by any person interested in such elections.

Sheriffs, &c. to give notice to the postmasters general of the place where they shall hold their offices, &c.

s. 2. "And that the said postmasters general may be duly informed where such officers to whom such writs shall be respectively directed, hold their respective offices for the purposes aforesaid;" be it further enacted by the authority aforesaid, that the chancellor of the county palatine of *Lancaster*, the lord bishop of *Durham*, or his temporal chancellor of the county palatine of *Durham*, the chamberlain of the county palatine of *Chester*, the warden of the cinque ports, the sheriffs and stewarts of the several cities, counties, and stewartries, and all other persons to whom such writs for the election of members to serve in parliament, ought to be and are usually directed, or their respective lieutenants or deputies, shall, within one month after the passing of this act, severally send up to the said postmasters general an account of the city, town, or place where they shall hold their respective offices for the purpose aforesaid, specifying in such account such particulars as shall be necessary to ascertain the particular situation of such respective offices, and so from time to time, with all convenient speed, as often as the places for holding such offices shall be changed; and also an account of such general post town or place as shall be nearest to such offices respectively, in case such respective offices shall not be in any general post town or place; and the said postmasters general shall make or cause to be made a list of such places, and cause the same to be hung up and kept in some public place in the general post office aforesaid.

Where sheriffs

s. 3. Provided always, and be it further enacted, that in all

hold their office in or near the capital, such notice to be sent to the messenger of the great seal.

cases where any such sheriff or other person to whom such writs ought to be directed, shall hold his office within the cities of *London* or *Westminster*, or the borough of *Southwark*, or within five miles thereof, such sheriff or officer shall send such account as aforesaid of the place where he shall hold such office, to the messenger of the great seal, instead of the said postmaster general; and the said messenger or his deputy shall carry all such writs to such office, in like manner as is hereinbefore directed in the case of the the sheriffs of *London* and *Middlesex*.

Mileage to be retained during the life of the present messenger.

s. 4. "And whereas certain profits now arise to the messenger of the great seal, from allowances made to him under the head of mileage, for the conveyance of such writs, which allowances are paid him from the hanaper office:" be it further enacted, that such allowances shall not be taken away or anyways affected by this act, during the life of the present messenger of the great seal; but shall after his decease utterly cease and determine; saving and excepting an allowance of two guineas on each writ for the election of a member to serve in parliament on any vacancy, and of the sum of fifty pounds on the calling of a new parliament; which allowances shall be paid to every messenger of the great seal to be hereafter appointed, from the hanaper office, in like manner as the present allowances for mileage are now paid.

Allowances thereafter.

520*l.* annually to be paid messenger for life, in lieu of certain fees.

s. 5. "And whereas the messenger of the great seal and his deputy have from time to time received certain other fees for the conveyance and upon the delivery of writs for the election of members to serve in parliament;" be it enacted, that all such fees shall utterly cease and determine from the passing of this act; and that neither the said messenger, nor his deputy, nor any other person, shall receive or take any fee, reward, or gratuity whatsoever, for the conveyance or delivery of any such writ; and that the lords commissioners of his majesty's treasury shall direct the annual sum of five hundred and twenty pounds to be paid out of the consolidated fund to the present messenger of the great seal during the continuance of his life, in compensation for all such fees.

Persons wilfully neglecting to deliver writ guilty of a misdemeanour.

s. 6. And be it further enacted, that every person concerned in the transmitting or delivery of any such writ as aforesaid, who shall wilfully neglect or delay to deliver or transmit any such writ, or accept any fee, or do any other matter or thing in violation of this act, shall be guilty of a misdemeanor, and may, upon any conviction upon any indictment or information in his majesty's court of king's bench, be fined and imprisoned at the discretion of the court for such misdemeanor.

Offences in *Scotland* how to be punished.

s. 7. And be it enacted, that every person who shall commit in *Scotland* any offence against this act, which is hereby declared to be a misdemeanor, shall be liable to be punished by a fine or imprisonment, as the judge or judges before whom such offender shall be tried and convicted may direct.

No. 151.—54 GEO. III. c. 16.

An Act to explain an Act of the Forty-first year of his present Majesty, for declaring what persons shall be disabled from sitting and voting in the house of Commons of the united kingdom of Great Britain *and* Ireland.

6th December, 1813.

WHEREAS by an act made in the parliament of the united kingdom of *Great Britain* and *Ireland*, in the forty-first year of his present majesty's reign, intituled, *An act for declaring what persons shall be disabled from sitting and voting in the* Ireland; *and also for carrying into effect part of the fourth article of the house of commons of the united kingdom of* Great Britain *and union of* Great Britain *and* Ireland, *by providing in what cases persons holding offices or places of profit under the crown of* Ireland *shall be incapable of being members of the house of commons of the parliament of the said united kingdom*, it is amongst other things enacted, That if any person being chosen a member of the house of commons shall, from and after the passing of the said act, accept of any office of profit whatever immediately and directly from the crown of the said united kingdom, or by the nomination or appointment, or by any other appointment, subject to the approbation of the lord lieutenant, lord deputy, lord justices or other chief governor or governors of that part of the united kingdom called *Ireland*, his seat shall thereupon become vacant, and a writ shall issue for a new election: and whereas it may have happened, and may frequently happen, that persons being members of the house of commons, and holding, or having holden offices of profit by the nomination or appointment, or by some appointment subject to the approbation of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of *Ireland*, may have remained or continued in, or may remainor continue in, or may have been, or may be nominated or appointed, or re-appointed by the successor or successors to the lord lieutenant, lord deputy, lord justices or other chief governor or governors of *Ireland*, by whom such persons were nominated, appointed or approved, to hold or to continue to hold the same office to which such persons were so appointed; and doubts may have arisen, or may arise, whether, in such case, the seat of such person shall thereupon become vacant or not: for the obviating of all such doubts, be it declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if at any time before or after the passing of this act any person being a member of the house of commons, who shall have accepted of any office of profit whatever, on the nomination or appointment, or by any other appointment subject to the approbation of any lord lieutenant, lord deputy, lord justices,

41 *Geo.* 3. *c.* 52.

The seats of persons continuing in offices under succeeding lord lieutenants, &c. shall not be vacated.

or other chief governor or governors of *Ireland*, for the time being, shall have remained or continued in, or shall remain or continue in, or shall have accepted or re-accepted, or shall accept or re-accept the same office, by the nomination or appointment, or by any appointment subject to the approbation of any successor or successors to the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of *Ireland*, by whom such person was previously nominated, appointed or approved, or re-appointed or continued, the seat of such person so remaining or continuing in or accepting or re-accepting such office, from or under any such successor or successors, shall not thereupon become vacant, nor shall any writ issue for a new election; any thing in the said recited act, or in any other act or acts contained to the contrary notwithstanding.

To what persons the act shall extend.

s. 2. Provided always, That nothing in this act contained shall extend, or be construed to extend to any person or persons but such as shall have been or shall have continued and remained, or shall be, or shall continue and remain, in any such office at the time of the decease, removal, or absence (as the case may be) of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of *Ireland*, by whom such person was nominated, appointed, or approved, or re-appointed or continued.

No. 152.—54 Geo. III. c. 157.

An Act for the better Regulation of the Conduct of the Business of the Office of Works, and the expenditure thereof.

29*th July*, 1814.

Appointment of surveyor-general.

s. 2. And be it further enacted, That from and after the passing of this act, it shall be lawful for his majesty to appoint, during his royal pleasure, any fit and proper person to be surveyor general of his majesty's works and public buildings, whether the expense of such works and public buildings shall be defrayed out of his majesty's civil list revenues, or out of any funds granted by parliament, or out of any part of the public revenue heretofore usually included in the incidental charges of such department; and to grant to such surveyor general, such salary as his majesty may think fit, not exceeding one thousand five hundred pounds per annum; and the said surveyor general during the holding of the said office shall be and he is hereby declared to be incapable of being elected into or of sitting and voting in parliament.

No. 153.—55 GEO. III. c. 98.

An Act to enable the Select Committee on the Downpatrick *Election to re-assemble and to suspend the transmission of the Warrants and other Proceedings for the appointment of the Commissioners to examine Witnesses in* Ireland.

14th June, 1815.

No. 154.—56 GEO. III. c. 56.

An Act to repeal the several Stamp Duties in Ireland, *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof; and to make more effectual Regulations for collecting and managing the said Duties.*

June 20, 1816.

Securing the duties on admission of fellows into the college of physicians, &c. and of freemen into corporations.

s. 113. 'And whereas the payment of stamp duties imposed on the admission of fellows into the college of physicians or surgeons, and of freemen and others into other corporations, guilds, or companies in *Ireland*, has been and may be evaded,' be it therefore enacted, That it shall be lawful for the said college of physicians or surgeons, and for every body politic or corporate, corporation, guild, or company in *Ireland*, which shall admit any person or persons into any such college, corporation, guild, or company, by themselves, or by some person or persons employed by such college, corporation, guild, or company, and they are hereby required, previously to the admission of any such person into such college, corporation, guild, or company, to demand and receive, for the use of his majesty, his heirs, and successors, of and from the person so admitted, the several and respective stamp duties which shall be then by law payable on the entry, minute, or memorandum of admission of such person into such college, corporation, guild, or company, and the proper officer of such college, or body politic, or corporate, corporation, guild, or company, shall make an entry, minute, or memorandum of such admission upon the proper stamp in some book, roll, or record of such college, corporation, guild, or company, within one month after such person shall be so admitted into such college, corporation, guild, or company; and if such officer shall neglect or refuse so to do, he shall, for every such offence, forfeit the sum of ten pounds; and every such college, corporation, guild, or company, shall be answerable for all such duties, without any proof of the same having been so received, or whether the same respectively shall have been so received or not, and the same shall be a debt to his majesty, and recoverable with costs by a summary application to the court of exchequer as any other unpaid

stamp duty may be recovered under any act or acts in force or to be in force in *Ireland*, for the securing the payment of the stamp duties.

Books of officers of corporations may be inspected by an officer of stamps.

s. 114. And be it further enacted, That any and every officer of the college of physicians or surgeons, or of any corporation, guild, fraternity, or company in *Ireland*, who shall from time to time have in his custody any book, file, record, remembrance, docket, or proceeding of or belonging to such college, corporation, guild, fraternity, or company, the sight or knowledge whereof may tend to the securing any of his majesty's stamp duties, which now are or shall at any time be by law payable in *Ireland*, or to the proof or discovery of any fraud or omission in relation thereto, or to any of them, shall at all seasonable times permit any person thereunto authorized by the commissioners of stamps to try, search, inspect and view all such books, files, records, remembrances, dockets, and proceedings as aforesaid, without fee or reward; and to take thereout such notes and memorandums as shall be necessary for the purposes last mentioned, without fee or reward; and if any such officer shall refuse or neglect so to do, upon demand made by such person so authorized as aforesaid, such officer so refusing or neglecting shall, for every such refusal or neglect, forfeit and pay the sum of ten pounds.

SCHEDULE—PART THE FIRST:

Containing the Duties on Admissions to Offices, &c.; on Instruments of Conveyance, Contract, Obligation, and Security for Money, and on Deeds in general.

Schedule, Part I.	Duty.
Admission of any person into any corporation, guild, or company, in a city, borough, burgh, or town corporate, in *Ireland*, for the registry, entry, minute, or memorandum thereof, in the court-book, roll, or record, of such corporation, guild, or company.	
Where the admission shall be in respect of birth, apprenticeship, or marriage - - - -	1 0 0
And where the same shall be upon any other ground -	3 0 0
Only one of the foregoing duties to be payable in respect of the admission of any person into the same corporation.	
Exemptions from the preceding and all other stamp duties. *The Admission of any Person into a Corporation or Company for the Direction of any Charitable Institution exclusively.*	

No. 155.—56 GEO. III. c. 98.

An Act to unite and consolidate into One Fund, all the Public Revenues of Great Britain *and* Ireland, *and to provide for the Application thereof to the General Service of the United Kingdom.* *July* 1, 1816.

Vice treasurer and commissioners of the treasury may sit in parliament.

s. 16. And be it further enacted, That the appointment of any person to be vice treasurer for *Ireland*, nor the appointment of any person or persons to be commissioner or commissioners of his majesty's treasury of the kingdom of *Great Britain* and *Ireland*, shall not, nor shall any such appointment be deemed or taken to be an appointment or appointments to a new office or new offices, or place or places of profit under the crown; and that any person so to be appointed vice treasurer for *Ireland*, or one of the commissioners of his majesty's treasury of the united kingdom of *Great Britain* and *Ireland*, shall not, nor shall any of them, be thereby disabled from sitting or voting as a member of the house of commons, nor shall he be thereby rendered incapable of being elected a member of the house of commons; any thing in any act or acts to the contrary in anywise notwithstanding.

Appointment of a commissioner of the treasury of *Great Britain*, or *Ireland*, to be one for the united kingdom, shall not vacate his seat.

s. 17. And be it further enacted, That the appointment of any person, being one of the commissioners of the treasury of *Great Britain* or *Ireland*, to be one of the commissioners of his majesty's treasury of the united kingdom of *Great Britain* and *Ireland*, shall not make void the election of any such person respectively, nor shall any new writ issue for a new election in consequence of the acceptance of any such appointment; any thing in any act or acts to the contrary in anywise notwithstanding.

Powers of *Irish* act, 35 *Geo.* 3. for regulating receipts and issues of *Irish* treasury, continued in force, except as altered by this act.

s. 18. And be it further enacted, That all the provisions, rules, regulations, and directions contained in the act made in the parliament of *Ireland* in the thirty-fifth year of his present majesty's reign, entituled, *An act for the better regulation of the receipts and issues of his majesty's treasury: and for repealing an act of parliament passed in the tenth year of* Henry *the Seventh, entituled, 'An act authorizing the treasurer to make all officers as the treasurer of* England *doth,'* shall be and remain and continue in full force and effect, except only so far as any of the said provisions, rules, regulations, and directions are altered by this act, or by any other act or acts in force immediately before the passing of this act: Provided always, that in all cases where any powers or authorities are by the said recited act given to the commissioners for executing the office of lord high treasurer of *Ireland*, such powers and authorities shall be vested in and exercised by the commissioners of his majesty's treasury of the united kingdom of *Great Britain* and *Ireland*.

Powers of the *Irish* treasury to be exercised by the treasury of the united kingdom.

No. 156.—57 Geo. III. c. 62.

An Act to abolish certain Offices, and to regulate certain other Offices, in Ireland. 17 *July*, 1817.

Certain offices shall be regulated.

s. 5. And be it further enacted, That the several and respective duties of the several and respective offices in *Ireland* hereafter mentioned; that is to say, clerk of the council; muster master general; pratique master of the port of *Dublin;* storekeeper of the customs in the said port; shall, from and after and upon the respective terminations of the respective present existing interest in each of the said offices respectively, and as each of the said offices shall become vacant upon the termination of such present existing interests, be regulated under the provisions herein-after in this act contained; and shall thereafter be executed and performed by the several and respective persons to be appointed to execute the same in person.

Offices of Commissioners of the Board of Works abolished as they become vacant, &c.

s. 8. And be it further enacted, That from and after and upon the respective terminations of the respective present existing interests in each and every of the offices of commissioners of the board of works in *Ireland*, and as each of the said offices shall respectively become vacant upon the termination of the present existing interests, each and every of the said offices shall respectively be abolished, and the said offices shall not, nor shall any of them, from and after the passing of this act, be granted to any person or persons whomsoever; and the said offices are hereby, from and after the respective times when the same shall respectively become vacant, wholly abolished; and after the offices of the said commissioners shall become vacant, it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, in concurrence with the lord high treasurer or the commissioners of his majesty's treasury for the time being, to make such arrangement, by the appointment of one or more officer or officers, as shall provide for the efficient execution in person of all duties connected with the superintendence of the public buildings now under the charge of the said board of works, at such reasonable rate of salary or salaries as shall be sufficient for the purpose; and an account of every such appointment and rate of salary shall be laid before parliament in like manner as by this act is required with respect to the regulation of other offices under this act.

Persons belonging to the said Offices when regulated, incapable of sitting or voting as members of the house of commons.

s. 10. And be it further enacted, That every office and appointment belonging to and making part of the establishment of any of the said offices respectively, when so regulated as aforesaid, shall be deemed and taken to be a new office within the true intent and meaning of an act passed in the forty-first year of the reign of his present majesty, entituled *an act for declaring what persons shall be disabled*

from sitting and voting in the house of commons of the united kingdom of Great Britain *and* Ireland; *and also for carrying into effect part of the fourth article of the union of* Great Britain *and* Ireland, *by providing in what cases persons holding offices or places of profit under the crown of* Ireland *shall be incapable of being members of the house of commons of the parliament of the said united kingdom;* and every person holding any such office shall be incapable of sitting or voting as a member of the house of commons; and every such officer who shall sit or vote in the house of commons shall be liable and subject to the penalties and forfeitures contained in the said recited act with respect to such person or persons as shall be disabled or incapacitated by the holding or accepting of any office, employment, or place of profit in the said act enumerated and particularized. 41 G. 3. c. 52.

No. 157.—57 GEO. III. c. 63.

An Act to regulate the Offices of Clerks of the Signet and Privy Seal. 7th *July*, 1817.

s. 1. WHEREAS it is expedient that the respective offices of clerks of the signet and of clerks of the privy seal should be regulated;' be it therefore enacted, &c. That from and after and upon the respective terminations of the respective existing interests in each of the said offices of clerks of the signet and privy seal respectively, and as each of the said offices shall become vacant, upon the termination of such present existing interests, the duties of the said offices respectively shall be executed and performed by the several and respective persons who shall be appointed to execute the same in person. After termination of existing interests, offices of clerks to the signet and privy seal to be performed in person.

s. 5. And be it further enacted, That every office and appointment belonging to and making part of the establishment of any of the said offices respectively, when so regulated as aforesaid under the provisions of this act, shall be deemed and taken to be a new office within the true intent and meaning of an act passed in the sixth year of the reign of her late majesty queen *Anne;* and every person holding any such office shall be incapable of sitting or voting as a member of the house of commons; and every such officer who shall sit or vote in the house of commons shall be liable and subject to the penalties and forfeitures contained in an act passed in the fifteenth year of the reign of his late majesty king *George* the second, entituled *an act to exclude certain officers from being members of the house of commons.* Persons belonging to the said offices, when regulated, incapable of sitting or voting as members of the house of commons. 15 *Geo.* 2. *c.* 22.

No. 158.—57 Geo. III. c. 64.

An Act to abolish certain Offices, and regulate others, in Scotland. *7th July* 1817.

Offices of cashier and receiver general of excise regulated.

s. 9. And be it further enacted, That every cashier and receiver general of excise in *Scotland* henceforth to be appointed shall discharge the duties of the said office in person, subject to such rules and regulations as shall be established by the said lord high treasurer or commissioners of his majesty's treasury, or any three or more of them for the time being, for that purpose, which they are hereby authorized and required to direct to be observed for the due discharge of the duties of the said office.

Certain other offices regulated.

s. 11. And be it further enacted, That from and after and upon the termination respectively of the present existing interests in the under-mentioned offices; *videlice*, the office of auditor of the exchequer in *Scotland*, the office of king's remembrancer in exchequer in *Scotland*, the office of lord treasurer's remembrancer in exchequer in *Scotland*, the office of presenter of signatures in exchequer in *Scotland*, the office of keeper of the general register of seizins in *Scotland*, the office of clerk to the admission of notaries in *Scotland*, the office of director of the chancery in *Scotland*, the office of clerk of the chancery in *Scotland*, and the office of clerk of the court of admiralty in *Scotland*, and so soon as the said offices or any or either of them respectively shall become vacant, the duties thereof shall be discharged by the officer appointed to hold the same in person; and from time to time as any of the said respective offices shall become vacant, it shall be lawful for the said lord high treasurer or commissioners of the treasury, or any three or more of them for the time being, and they are hereby authorized and required, to regulate the duties and establishments of the said offices respectively as they respectively become vacant, so as that the several duties to be discharged therein respectively shall be performed in person.

Regulation of any office existing previous to 6 *Anne*, c. 7. not to bring it within the provisions of that act.

s. 15. And be it further enacted, That the regulation of any office under the provisions of this act, which was an office existing previous to an act passed in the sixth year of the reign of her late majesty queen *Anne*, entituled *an act for the security of her majesty's person and government, and of the succession to the crown of* Great Britain *in the Protestant line*, shall not be held to be a new office within the intent and meaning of that act of parliament; but every person holding any such office so regulated shall be and remain in the same situation, with respect to that act of parliament, as if the same had not been regulated under the provisions of this act.

No. 159.—57 GEO. III. c. 66.

An Act to amend an Act of the twenty-second year of his present Majesty, for suppressing or regulating certain Offices therein mentioned, so far as relates to the Board of Trade; and for enabling the Vice-President of the Board of Trade to send and receive Letters and Packets free from the duty of Postage. 7*th July*, 1817.

'WHEREAS an act passed in the twenty-second year of the reign of his present majesty, entituled *an act for enabling his majesty to discharge the debt contracted upon his civil list revenues, and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned which are now paid out of the revenues of the civil list:* And whereas it is expedient to make provision for enabling his majesty to grant a competent salary to the person holding the office of vice-president of the committee of council appointed for the consideration of matters relating to trade and foreign plantations, in consideration of the duties and responsibility attached to the said office;' be it therefore enacted, &c. That it shall be lawful for his majesty, by any order or warrant under his royal sign manual, countersigned by the lord high treasurer or by the commissioners of his majesty's treasury of the united kingdom of *Great Britain* and *Ireland*, or any three or more of them for the time being, to order and direct that the vice-president of the committee of council appointed for the consideration of matters relating to trade and foreign plantations for the time being, shall have a salary not exceeding two thousand pounds, to be paid and payable out of the fee fund of the council office; and such office shall not, by reason of such salary being annexed thereto, be deemed a new office: Provided always, that no such order or warrant, or receipt of salary under the same by the person holding such office at the time of passing this act, shall make void the election of any such person, nor shall any new writ issue for a new election in consequence of any such order or warrant, or receipt of salary under the same; any thing in any act or acts to the contrary notwithstanding.

22 *Geo.* 3. *c.* 32.

Salary of 2,000*l.* to the vice-president of the board of trade; but not to be considered a new office.

No. 160.—57 GEO. III. c. 84.

An Act to regulate the Offices of His Majesty's Exchequer in England *and* Ireland *respectively.* 10*th July*, 1817.

'WHEREAS the offices of auditors and tellers of his majesty's exchequer in *England* and *Ireland* respectively, and of

clerks of the pells in *England* and *Ireland* respectively are offices with respect to which it is expedient that a more economical execution of the duties thereof respectively, after the termination of the present existing interests therein respectively, should be adopted:' May it therefore please your majesty that it may be enacted; and be it enacted, &c. That the several and respective duties of the several and respective offices of auditor, and of each of the four tellers of his majesty's exchequer, and clerk of the pells in *England*, and of auditor and of teller of his majesty's exchequer, and clerk of the pells in *Ireland*, shall, from and after and upon the respective terminations of the respective present existing interests in each of the said offices respectively, and as each of the said offices shall become vacant upon the termination of such present existing interests, be regulated under the provisions of this act, and thereafter be executed and performed by the several and respective persons appointed to execute the same in person.

Duties of certain offices, after expiration of existing interests, to be performed in person.

s. 5. And be it further enacted, That every office and appointment belonging to and making part of the establishment of any of the said offices respectively, when so regulated as aforesaid, shall be deemed and taken to be a new office within the true intent and meaning of an act passed in the sixth year of the reign of her late majesty queen *Anne*; and every person holding any such office shall be incapable of sitting or voting as a member of the house of commons; and every such officer who shall sit or vote in the house of commons shall be liable and subject to the penalties and forfeitures contained in an act passed in the fifteenth year of the reign of his late majesty king *George* the second, entituled *an act to exclude certain officers from being members of the house of commons.*

Persons belonging to the said offices, when regulated, incapable of sitting or voting as members of the house of commons.

No. 161.—57 Geo. III. c. 131.

An Act for the better Regulation of Polls, and for making other Provisions touching the Election of members to serve in Parliament for places in Ireland. 12*th July*, 1817.

[Repealed by the 1 *Geo. IV. c.* 11.]

No. 162.—59 Geo. III. c. 37.

An Act for further regulating the Qualifications of Members to serve in the United Parliament of Great Britain *and* Ireland. 14*th June*, 1819.

9 *Ann. c.* 5.

" Whereas by an act passed in the ninth year of the reign of her late majesty queen *Anne* entituled *an act for securing the freedom of parliament, by the further qualifying the*

members to sit in the house of commons, it was amongst other things enacted, that no person should be capable to sit or vote as a member of the house of commons, for any county, city, borough or place, within that part of *Great Britain* called *England*, the dominion of *Wales* and town of *Berwick-on-Tweed*, who should not have an estate, freehold or copyhold, for his own life, or for some greater estate either in law or equity, to and for his own use and benefit, of or in lands, tenements, or hereditaments, over and above what would satisfy and clear all incumbrances that might affect the same, lying or being within that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick-upon-Tweed*, of the respective annual value therein limited: and whereas by an act passed in the thirty-third year of the reign of his late majesty king *George* the second, entituled *An act to enforce and render more effectual the laws relating to the qualification of members to sit in the house of commons*, it was enacted, that every person (except as in the said act is excepted), who should be elected a member of the house of commons, should, at the time and in the manner therein directed, produce and deliver to the clerk of the said house, at the table of the said house, a paper or account, signed by such member, containing the names of the parishes, townships, precincts, and counties, in which the lands, tenements, and hereditaments lay, whereby such member should make out his qualification; and should also take and subscribe the oath in the said last-recited act mentioned and contained: and whereas an act was made in the forty-first year of the reign of his present majesty, entituled *An act for regulating, until the first day of* May *one thousand eight hundred and two, the trial of controverted elections or returns of members to serve in the united parliament of* Great Britain *and* Ireland, *for that part of the united kingdom called* Ireland, *and for regulating the qualification of members to serve in the said united parliament*: and whereas it is just and expedient that the provisions of the last-recited act, so far as relates to the possession of lands, tenements, and hereditaments within *Ireland*, as a qualification for members to serve in parliament for places within *England* and *Wales*, should be extended;" that it shall be sufficient that such lands, tenements, or hereditaments, whereby any person who from and after the passing of this act shall be elected a member of the house of commons of the parliament of the said united kingdom, for any county, city, borough, cinque port, town, or place within that part of the said united kingdom called *England*, or the dominion of *Wales*, or the town of *Berwick-upon-Tweed*, or within that part of the said united kingdom called *Ireland*, shall make out his qualification in manner by the said acts of the ninth year of the reign of her late majesty queen *Anne*, and the thirty-third year of the reign of his late majesty, directed, shall lie or be either within that part of the said united kingdom called *England*, or the dominion of

33 *Geo.* 2. *c.* 20.

41 *Geo.* 3. *c.* 101.

The lands whereby any person shall make out his qualification to serve as a member for any place in *England* or *Ireland*, may lie either in *England*, *Scotland*, or *Ireland*.

Wales, or the town of *Berwick-upon-Tweed*, or within that part of the said united kingdom called *Scotland*, or within that part of the said united kingdom called *Ireland*; any thing in the said acts passed in the ninth year of the reign of her late majesty queen *Anne*, or in the said act passed in the thirty-third year of the reign of his late majesty king *George* the second, to the contrary notwithstanding.

No. 162.—60 Geo. III. c. 7.

An Act to amend an Act of the forty-second year of the reign of his present Majesty, for regulating the trial of Controverted Elections or Returns of Members to serve in the United Parliament for Ireland. 24th *December*, 1819.

42 *Geo.* 3. *c.* 106, by which commissioners are directed to transmit a copy of their proceedings within ten days after the evidence before them shall be closed.

"Whereas by virtue of the regulations of an act passed in the forty-second year of the reign of his present majesty, entituled, *an act for regulating the trial of controverted elections or returns of members to serve in the united parliament for* Ireland, certain commissioners may be appointed for the purposes of examining all such matters and things as shall be referred to them by a select committee appointed to try and determine the merits of any petition complaining of an undue election or return of a member or members to serve in the united parliament for *Ireland;* and whereas the said commissioners are by the said act directed to transmit a copy of the minutes of their proceedings to the speaker of the house of commons, within ten days after the evidence before them shall be closed: and whereas the said speaker is directed by the said act, within two days after he shall have received such copy, to insert in the *London Gazette* a warrant signed by him, directing the select committee on the petition in question to re-assemble and meet again within the space of one month from the date of such warrant, provided parliament shall then be sitting: and whereas under the provisions of the said act, the day which may be so appointed may happen to be at a time when the house of commons may be adjourned: and whereas it would be inconvenient that such committee should re-assemble and meet when the said house may be so adjourned;" in order to remedy such inconvenience, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that if the speaker of the house of commons shall receive a copy of such proceedings when the house of commons shall be adjourned for a longer period than one month from the day on which the said speaker is directed to insert in the *London Gazette* his warrant for the re-assembling and meeting of any such committee, that then and in such case the said speaker shall, in such warrant, di-

The speaker, on receiving a copy of proceedings, shall direct the committee to meet within a limited time after the time to which the house may be adjourned.

rect such committee to re-assemble and meet within one month next after the day to which the house may be adjourned; and if the speaker shall have directed the committee to meet on any day, and if the house of commons shall subsequently adjourn to a day beyond the day so appointed for the re-assembling and meeting of such committee, that then and in such case the said speaker shall insert another warrant in the next *London Gazette* after such adjournment, directing such committee to re-assemble and meet within one month next after the day to which the said house may be adjourned, instead of on the day first appointed, in pursuance of the provisions of the said recited act.

Commissioners to transmit a copy of the minutes of their proceedings with all convenient despatch, assigning the reasons for such delay.

s. 2. "And whereas it may found impracticable, in some instances, on account of the quantity of evidence taken before such commissioners, for such commissioners to transmit a copy of the minutes of their proceedings to the speaker of the house of commons within ten days after the evidence before them shall be closed;" be it therefore enacted, that the said commissioners shall, in such cases, transmit such copy with all convenient despatch, and at the same time assign the reasons for such delay; which reasons the select committee upon the petition in question are hereby directed to investigate, and report their opinion thereupon to the house, at the time they make their report on the merits of such petition.

No. 163.—60 GEO. III. AND 1 GEO. IV. c. 11.

An Act for the better Regulation of Polls, and for making further Provision touching the Election of Members to serve in Parliament for Ireland. 28*th February*, 1820.

57 *Geo.* 3. *c.* 131.

WHEREAS the provisions contained in an act made in the fifty-seventh year of the reign of his late majesty, intituled, *An act for the better regulation of polls, and for making other provisions touching the election of members to serve in parliament for places in* Ireland, have been found inadequate for all the purposes intended; Be it therefore enacted, &c. That from and after the passing of this act the said recited act, and all the clauses and provisions therein contained, shall be and the same is and are hereby repealed.

Recited act repealed.

Polls shall begin on the day when demanded, or the day after, and continue daily; and conclude at three o'clock on the fifteenth day, (*Sundays*, *Christmas-day*, and *Good Friday* excepted.)

s. 2. And for the further amending the laws for regulating the election of members to serve in parliament for *Ireland* by assimilating the same, as far as it may be expedient, to the laws for regulating the election of members to serve in parliament for *England*, and for the providing for the more expeditious taking of polls, be it enacted, That from and after the passing of this act every poll which shall be demanded at any election of a member or members to serve in parliament for any county, city, borough, or other place in *Ireland*, shall commence on the day upon which the same shall be demanded, or

upon the next day after at farthest (unless such day shall happen to be a Sunday, Christmas-day, or Good Friday, and in such case on the day then next after), and shall be duly and regularly proceeded in from day to day, for so many hours of each polling day as the returning officer or officers is or are by this act directed to keep the poll open (Sundays, Christmas-day, and Good Friday, always and only excepted), until the same be finished; but so that no poll for the election of a member or members to serve in parliament for any county, city, borough, or other place in *Ireland*, shall continue more than fifteen days at the most (Sundays, Christmas-day, and Good Friday always excepted); and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the hour of three in the afternoon of the same day, and the returning officer or officers at every such election shall, immediately after the final close of the poll, truly, fairly, and publicly declare the name or names of the person or persons who hath or have the majority of votes on such poll, and shall forthwith make a return of such person or persons.

Return shall be made on the fifteenth day.

Poll-books to be delivered to the clerk of the peace or other person having custody of the records.

s. 3. And be it further enacted, That in every case in which a poll shall take place as aforesaid, the returning officer shall, within twenty-one days of the final close of such poll, deliver all the poll-books of such election to the clerk of the peace for such county, county of a city, or county of a town, if such election shall be held for a county, county of a city, county of a town, or if in any other place, then and in such case to the officer who has the custody of the records of such place, verifying upon oath (which oath any justice of the peace for such county, county of a city, county of a town or place, is hereby empowered to administer) that the poll-books which he delivers in are the original poll-books of such election upon which the return was founded, and that from the final close of the poll to the time he delivers in the same there has not been any obliteration, erasure, addition, or alteration made therein; and such poll-books shall be carefully kept amongst the records of such county, county of a city, county of a town or place; and the production of such poll-books by such clerk of the peace or officer, or his deputy, shall be deemed sufficient evidence of the authenticity thereof, unless the same shall be disproved.

Certification on the back of the return.

s. 4. And be it further enacted, That in every case in which a poll shall take place at any election for any county, county of a city, or county of a town or place, the returning officer shall certify on the back of such return to the writ for holding such election the names of the candidates, the numbers who voted for each candidate, as it appeared at the final close of the poll; and such certificate shall be admitted as evidence of the truth of the facts therein certified, unless disproved by contrary evidence.

Sheriff shall indorse on writs for county elections the time of receipt of the writ for making an election for any county, the sheriff of such county shall and he is hereby required to in-

s. 5. And be it further enacted, That immediately after the

dorse thereon the date of receiving the same; and that such sheriff shall, within two days after the receipt of such writ, cause proclamation of the time and place of holding such election to be made at the place where the ensuing election ought by law to be holden, between the hours of ten of the clock in the forenoon, and two of the clock in the afternoon; and that the said sheriff on the same day shall cause to be affixed on the doors of the county court-house public notice, signed by himself, of a special county court to be there holden for the purpose of such election only, and which shall be holden on some day (Sunday, Christmas-day, and Good Friday excepted) not later from the day of making such proclamation and affixing such notice than the sixteenth day, nor sooner than the tenth day; and that the mayor, sovereign, portreeve, provost, burgomaster, bailiff, or seneschal of any borough or other place in such county, shall from and after the first day of *April* one thousand eight hundred and twenty, hold the election for the same not later than eight days after he has received the precept of the sheriff of such county, having in the usual public place in such borough or other place caused to be affixed a notice under his hand, of the time and place of holding such election four days at the least preceding the day of election; and that the sheriff or sheriffs of a county of a town, or a county of a city, shall, from and after the first day of *April*, one thousand eight hundred and twenty, hold the election for such town or city not later than eight days from the day of receiving the writ, having in the usual place of such city or town caused to be affixed notice under his or their hand of the time and place of holding such election, four days at the least preceding the day of the election.

ceiving thereof, and within two days shall make proclamation of the day for holding the election; and affix notice on the court-house.

Day of election shall be between the tenth and the sixteenth day after proclamation.

s. 6. And be it further enacted, That whenever in any one barony or half-barony of any county, or in any county of a town, or county of a city, the number of freeholders appearing by the books of the clerk of the peace capable of voting at any election for the same, shall exceed eight hundred freeholders, it shall and may be lawful for the returning officer or officers, and such returning officer or officers is and are hereby required to provide two or more places of polling for such barony or half-barony, or for such county of a town, or county of a city, and to make such a division or divisions of the freeholders of such barony or half-barony, or of such county of a town or county of a city, according to the first letters of their names, that it shall not be necessary for more than eight hundred freeholders to poll in any one place for polling, but so as not to divide the names beginning with the same letter of the alphabet, and that it shall and may be lawful for the returning officer or officers, and he and they is and are hereby required to provide as many more places of polling as may be necessary for this purpose, and to appoint as many additional deputies and poll-clerks as shall be necessary to take the poll in such additional places of polling, not exceeding one deputy and one poll-clerk for each such place of polling.

Whenever more than 800 freeholders are registered in one barony, an alphabetical division of the freeholders shall be made, that not more than 800 shall poll at one place of polling.

Sheriff shall attend at a booth separate from polling booths, to decide disputed questions.

s. 7. And be it further enacted, That it shall and may be lawful to and for the returning officer or officers, at any election for a member to serve in parliament for any county, city, borough, or other place, and he and they is and are hereby required, to erect a booth or hire a building, unless there shall already be some fit and convenient place for the purpose wherein he or they may and shall decide all the disputed questions, and all the objections to votes, that may be referred to him or them, and which booth or building or other place shall be separate from and exclusive of the number of booths or buildings, or other places necessary for the polling of the electors; and such returning officer or officers is and are hereby required to give his or their constant attendance in such separate booth, building, or other place, during the entire number of hours that the polling shall continue each day, any act to the contrary notwithstanding, and to proceed without suffering any delay or interruption to take place in deciding all disputed questions, and all the objections to votes, which shall be referred to him or them from the polling booths; and that the returning officer or officers at any election for any city or borough is and hereby required and empowered to appoint a deputy or deputies to take the poll at any such election; and that the returning officer's deputy, in each place of polling, shall appoint such one person for each candidate as shall be nominated to him by each candidate, to be an inspector of the clerk who shall be appointed for taking the poll, and the agent of such candidate in each place of polling; and such one other person for each candidate as shall be nominated by each candidate, to be a clerk for keeping a check-book of the poll-book in each place of polling.

Clerk of the peace shall appoint a person to attend at election with registry book and original affidavits of registry, alphabetically arranged, &c.

s. 8. And be it further enacted, That the clerk of the peace, at every election of a member to serve in parliament for any county, county of a town, or county of a city, shall appoint, or in failure thereof the returning officer or officers shall appoint a deputy clerk of the peace, and likewise an assistant to such deputy, to be present in each place of polling, who shall take with him into such place of polling the registry book belonging to the barony or half-barony, or county of a town or county of a city, to be polled in such place of polling, and all the original affidavits or affirmations which have been made by the persons capable of voting in such place of polling respectively, any act to the contrary notwithstanding; which affidavits or affirmations the clerk of the peace is hereby required to have arranged alphabetically in separate parcels (one or more for each letter of the alphabet) and endorsed with the names of the persons by whom the same were respectively made, and also with the number of the entry of each affidavit or affirmation in the registry-book; and that in those cases wherein a certificate of registry shall not be produced by the person tendering his vote or offering to poll, such deputy shall, on the demand of the returning officer's deputy, produce the original affidavit or affirmation of the registry of such person; and that

such deputy clerk of the peace shall be entitled to receive the sum of ten shillings and no more for each day of his attendance, any act to the contrary notwithstanding; and such assistant to such deputy shall be entitled to receive the sum of five shillings for each day of his attendance; and that if such deputy, or such assistant to such deputy, shall alter, deface, destroy or lose any affidavit or affirmation of registry committed to his care, he shall forfeit the sum of ten pounds for every such offence, to any person suing for the same, by action of debt at any general quarter session of the peace.

On demand of candidates, returning officer shall appoint interpreters.

s. 9. And be it further enacted, That it shall and may be lawful to and for the returning officer or officers at any election and he or they is and are hereby required, on the demand in writing of any candidate, to appoint a sufficient number of competent persons to act as interpreters, in order to translate faithfully such oaths, affirmations, and such questions and answers, as are required to be taken, made, asked, or given, at any election; and that every such interpreter shall, immediately after such appointment, and before he shall proceed to act under such appointment, take the following oath; and every returning officer is hereby required and empowered to administer the same:

Oath to interpreters.

"I, *A. B.*, do swear, that I will faithfully interpret such oaths, affirmations, questions and answers, as I shall be directed interpret by the returning officer or officers, and his or their deputy or deputies [*as the case may be*]."

Allowance to them.

And that every such person so appointed for the purpose aforesaid, shall be entitled to receive the sum of ten shillings for each day of his attendance.

Deputy to refer to registry book, and certificate of registry deemed conclusive evidence, and in default thereof, the original affidavit.

s. 10. And be it further enacted, That in every case in which any person shall tender his vote or offer to poll at any election for a member to serve in parliament for a county, or a county of a town, or a county of a city, by virtue of a freehold, the returning officer's deputy shall, in the first place, refer to the entry of the affidavit or affirmation of the registry of the same in the registry-book, and write down opposite to the same the initial letters of his name; and then he shall refer to the certificate or affidavit of the registry of the same; and that if any such person shall produce a certificate of the registry of his freehold corresponding with such entry of the original affidavit or affirmation, without any erasure or interlineation therein, signed in open court by two justices, and countersigned by the acting clerk of the peace, in such manner as is directed by an act made in the parliament of *Ireland*, in the thirty-fifth year of his late majesty's reign, intituled, *An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned*, or signed in such a manner as is directed by this act, or any other act, when the freehold is situated in a county of a town or a county of a city, such certificate shall, without further proof, be deemed of equal authenticity with the original oath or affirmation, and conclusive evidence that such person so tendering his vote, or offering to poll,

had registered such freehold; and the returning officer's deputy shall write down the initials of his name upon the margin of such certificate; and that in all cases wherein no such certificate shall be produced by the person tendering his vote or offering to poll, or wherein such certificate, if produced, shall appear to the returning officer's deputy not to be in manner and form as aforesaid, it shall and may be lawful for the returning offices's deputy, and he is hereby required, to direct the deputy clerk of the peace to produce the original affidavit or affirmation of the registry of the freehold of such person so tendering his vote or offering to poll.

Oath of electors shall be administered and made by the returning officer's deputy.

s. 11. And be it further enacted, That at any election for a member or members to serve in parliament for any county, city, borough, or other place, the returning officers deputy shall, if required by any candidate, or the inspector of any candidate so to do, in person administer in the place of polling in which he presides, an oath in the following form, to every person separately, who shall tender his vote or offer to poll at such election, and immediately after the production of the certificate or affidavit of registry, when any such person votes by virtue of a freehold: that is to say,

Form of oath.

'I, *A. B.*, do swear, (or being a Quaker or Moravian do solemnly affirm] that I will true answer make to all such questions as the sheriff's or other returning officer's deputy [as the case may be] presiding in this booth shall demand of me; and I do also swear, [or being one of the people called Quakers or Moravians, do solemnly affirm] that I have not polled before at this election; and that I am, as I believe, twenty-one years of age.

'So help me God.'

And that immediately after any person so tendering his vote or offering to poll at any election for a member to serve in parliament for a county, or a county of a town, or a county of a city, shall have taken such oath or affirmation, the returning officers deputy shall, if required by any candidate, or the inspector of any candidate so to do, put the following questions, and no others, without allowing any person to interrupt him, to every such person so tendering his vote, or offering to poll, any act to the contrary notwithstanding; and that the poll-clerk shall forthwith write down the entries on the poll-book, that he is hereinafter required to make according to the answers which every such person shall give to the said questions; and that if any of the said questions shall not be required to be put, then according to the entry of the voter's registry in the registry-book.

Form of examination of each voter.

1. What is your name?
2. Where do you reside?
3. Do you swear that you are possessed of a freehold in the county of [naming the county, or county of a town, or county of a city for which the election is held]?
4. Where is it situated?

And that the returning officer's deputy shall then, if required

by any candidate, or the inspector of any candidate so to do, refer to the certificate of registry, if one be produced by the person tendering his vote or offering to poll, or if none be produced, to the original affidavit of registry, and then shall immediately ask, if required by any candidate, or by the inspector of any candidate so to do, without making or allowing any other person to make any comments or observations upon the said certificate or affidavit, the following question:—

5. Is the freehold described in this certificate, or affidavit of registry [as the case may be], the same freehold which you now swear you are possessed of, and by virtue of which you now offer to vote?

And that in case it shall appear to the returning officer's deputy, from the certificate or affidavit of registry, that any person shall tender his vote, or offer to poll, in respect of a freehold of the value of forty shillings only, the said deputy shall then, if required by any candidate, or the inspector of any candidate so to do, put the following questions:

6. Do you swear that you have been in the actual occupation of this freehold, as described in your certificate or affidavit of registry, [as the case may be] by tilling it, or by grazing it, or by residing upon it, during the whole of the last twelve months?

7. Do you swear, that this freehold is now of the clear yearly value of forty shillings, above all charges payable out of the same?

Elector answering directly, shall then poll, if not objected to.

And that whenever the entry of the affidavit or affirmation of the registry of any such person shall appear in the registry book; and that any such person shall have produced any such certificate of registry as is hereinbefore described; or that the original affidavit or affirmation of registry shall have been produced by the deputy clerk of the peace; and that any such person so tendering his vote or offering to poll, shall have taken the oath required as aforesaid, and shall have answered the questions that shall have been demanded of him as aforesaid, such deputy shall then ask him the following question:

8. For whom do you vote?

And that his vote shall be entered on the poll-book according to his answer; unless an objection be made thereto by an inspector of one of the candidates appointed in the manner hereinbefore directed; and that if it shall appear to such deputy, from the answers which shall be given by any person to the first four questions aforesaid, that his freehold arises from a rectory, vicarage, curacy, or other ecclesiastical preferment, the said deputy shall forthwith proceed to ask him, 'For whom do you vote?' and his vote shall be entered on the poll-book according to his reply, unless an objection be made thereto by an inspector of one of the candidates, appointed in the manner hereinbefore directed: provided always, that it shall and may be lawful to and for the returning officer's deputy to take the vote of any person tendering his vote or offering to poll, whose freehold appears on the registry book, without referring to the

In what cases votes may be taken without oath or putting questions, &c

certificate or affidavit, or affirmation of registry, or without administering any oath or putting any question to such person, except the question 'For whom do you vote?' if he be not required by any candidate, or any inspector of any candidate so to do; and provided always, that if an entry of the affidavit or affirmation of the registry of the freehold of any person tendering his vote or offering to poll, required by law to be registered, shall not appear in the registry book; or that if any person tendering his vote or offering to poll shall not either produce such a certificate of registry as is hereinbefore described, or be able to refer to an original affidavit or affirmation of his registry in the possession of the deputy clerk of the peace, or that if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer's deputy, or that the person so examined shall admit in his answer or answers to said question or questions, that he is not the person whose freehold is registered, or that he has no freehold, or that the freehold described in his certificate or affidavit, or affirmation of registry (as the case may be) is not the freehold for which he tenders his vote, or that he has not been in the occupation thereof for the whole of the last twelve months, or that the same is not at the time of tendering his vote, of the value of forty shillings above all charges payable out of the same, then and in every or in any such case, it shall and may be lawful to and for such deputy, and he is hereby required, authorized and empowered, to direct such persons to withdraw from the place of polling, and to proceed immediately to receive the vote of the next person who shall tender his vote or offer to poll.

Where a vote is objected to, a memorandum of the objection shall be made by the poll clerk for the returning officer to decide.

s. 12. And be it further enacted, That at any election for a member to serve in parliament for any county, city, borough, or other place, no objection shall be made to a vote until after the person tendering the same shall have declared for whom he votes; and that if the vote of any person shall be then objected to by an inspector of any candidate, the poll shall not be on that account delayed, but the returning officer's deputy shall direct the poll-clerk to enter a memorandum on the poll-books, showing to which candidate or candidates such person has given his vote; and he shall immediately proceed to receive the vote of the next person who shall tender his vote or offer to poll; and that the inspector who shall have made the objection on behalf of any candidate shall instantly write down a memorandum, on a printed form to be provided by the returning officer, containing the name of the voter, the place of his abode, and the nature of the objection or objections, and sign and date the same, and shall give the same to the returning officer's deputy, who shall sign the same with the initial letters of his name, and then give the same to the assistant deputy-clerk of the peace, who shall take the same, together with the certificate, or affidavit or affirmation of registry, if it shall be necessary so to do, to the

returning officer to decide on the validity thereof; and that it shall thereupon be lawful to and for the returning officer or officers, or his or their assessor, at the discretion of such returning officer or officers, and his or their assessor only, to order the voter to attend before him or them during the inquiry into his vote; and for such returning officer or officers, or his or their assessor, to examine such voter, by such questions as such returning officer or officers, or his or their assessor, shall think necessary to ask, as to any objection or objections made to his vote; and such returning officer or officers, or his or their assessor, shall administer an oath to such voter in the form following:

'I, *A. B.*, do swear [or, being a Quaker or Moravian, do solemnly affirm], that I will true answers make to all such questions as shall be here put to me by the returning officer or officers, or his assessor [as the case may be].

'So help me God.'

Proceedings of returning officer in allowing or rejecting votes.

And that if the vote shall be allowed, the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, 'allow this vote;' and that if the vote shall be disallowed, then the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, 'reject this vote;' and that in either case the returning officer or officers, or his or their assessor, shall write down the initials of his or their name or names under the words so directed to be written down upon the memorandum; and the returning officer or officers, or his or their assessor, shall then deliver the said memorandum to the same assistant deputy clerk of the peace who had brought it to him or them, to be forthwith carried back to the returning officer's deputy; and that such deputy shall either reject such vote, or order the poll-clerk to enter the same upon the poll for the candidate or candidates to whom it had been given, according as he shall be directed by the returning officer or officers, or his or their assessor; and that every such memorandum shall be preserved by such deputy, and be delivered by him to the returning officer or officers, to be attached to the poll-books at the close of the election; and that the form of the said memorandum so to be prepared as aforesaid, shall be as follows:

Barony of

Number in the Registry Book.	Name of Voter.	Abode of Voter.	Objection.
			(Signed) Dated Day of 18

Allow this Vote.	Reject this Vote.
(Signed)	(Signed)

Provided always, that in case any objection be taken to any vote, which shall not be in substance different from one previously ruled by the returning officer or officers, or his or their assessor; or in case any objection be taken which shall appear to such deputy to be frivolous, or taken for the purpose of delay, that then in every such case it shall not be lawful to and for the deputy to transmit the memorandum containing such objection to the returning officer or officers; and that in every such case such deputy shall admit the vote, so objected to, to be entered upon the poll.

Instructions to be observed by deputies.

s. 13. And be it further enacted, That every returning officer shall give such instructions in writing to his deputy or deputies appointed for taking the poll at any election, as may be necessary to point out to him or them what is required of him or them to be done in respect of the objections to votes which may be made, and in respect of the manner of transmitting them to such returning officer or officers; and that every such deputy shall obey such instructions, and any other instructions which may be given to him or them by the returning officer

or officers in respect of the due performance of his or their duty.

Returning officer only to examine voters objected to; counsel may argue points of law.

s. 14. And be it further enacted, That it shall not be lawful for any other person whatsoever, other than the returning officer or officers, or his or their assessor, to ask any question of any person who shall be examined by the returning officer or officers, or his or their assessor, on account of his vote having been objected to; or for any person to interfere with or suggest any question to such returning officer or officers, or his or their assessor, respecting the examination of such person; and that it shall and may be lawful to and for the returning officer or officers, or his or their assessor, at the discretion of such returning officer or officers, or of his or their assessor only, to permit a barrister or barristers to argue any question of law before him or them, on the evening of any polling day after the poll has been closed; any act to the contrary notwithstanding.

Deputies shall not reject voters, or examine voters, except as before provided.

s. 15. And be it further enacted, That it shall not be lawful for any deputy of any returning officer, to put any questions to any person tendering his vote or offering to poll at any election for a member to serve in parliament for a county, or a county of a town, or a county of a city, save and except those questions hereinbefore directed to be put, or to make any comments or observations on the answers which may be given to the same; or on any matter or thing relating to any vote which may be tendered before him: and that if any objection be made to any vote at any election for a county, city, borough, or other place, such objection shall be forthwith referred by the returning officer's deputy, as hereinbefore directed, to the returning officer; and that it shall not be lawful for any such deputy to investigate the right of any person to vote, further or otherwise than is hereinbefore directed, or to reject the vote of any person without reference to the returning officer.

Restraining persons from pleading or speaking in deputy's booth.

s. 16. And be it further enacted, That it shall not be lawful for any person, whether barrister, attorney, inspector, agent, candidate, or elector, or any other person whatever, to plead or speak in any place of polling during the time of polling, on any matter or thing concerning the polling, or concerning the refusal of any returning officer's deputy to transmit an objection to a vote to the returning officer or officers, as hereinbefore provided for, or to ask any questions of any person tendering his vote or offering to poll.

Oaths not to be required save as are hereby appointed.

s. 17. And be it further enacted, That from and after the passing of this act, it shall not be lawful for any person at any election to require any elector to take any oath or oaths, of the nature of a rentcharger's or freeholder's oath, to show the possession, situation, tenure, value, or any other circumstance touching or concerning his freehold, in order to enable him to vote at such election, save and except the oath or oaths herein required to be taken; any act to the contrary notwithstanding; and that every returning officer's deputy is hereby

authorized and empowered to administer to every elector the bribery oath or affirmation, if required by any candidate, or by the inspector of any candidate, or by any elector, so to do.

Improper votes to be taken off the poll by the returning officer on complaint of candidate.

s. 18. And be it further enacted, That if any person shall be admitted to poll at any election for a member to serve in parliament for a county, city, borough, or other place, who has polled before at such election, or who has personated another elector for the purpose of polling at such election, or who has polled by virtue of a forged certificate of registry, or who has polled by virtue of a registry of an alleged freehold under a lease of a land or tenements for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein; or by virtue of a registry of an alleged freehold under a lease of land or tenements for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same; it shall and may be lawful for the returning officer or officers, and they are hereby required, authorized, and empowered, upon the complaint of any candidate, to take the vote of such person off the poll, at any time before the final closing of the same. Provided always, that the act complained of, as having been committed by such person be set forth and described, and positively declared to have been committed by such person, in an affidavit to be sworn before a justice of the peace, and that such affidavit be delivered to the returning officer or officers; and further, that the act complained of shall appear to the returning officer or officers, upon a due examination of one or more credible witness or witnesses concerning the same, upon his or their oaths, to be proved to have been committed by such person, which oath or oaths the returning officer or officers is or are hereby authorized and empowered to administer; and that the returning officer or officers shall examine all such cases between the hours of seven of the clock and ten of the clock of the afternoon of each polling day, except on that day on which the poll shall be finally closed, unless all the objected votes referred to such returning officer or officers by his or their deputies shall have been decided and disposed of: Provided always, that the affidavit setting forth every such complaint, shall be delivered to the returning officer or officers on the same day on which the act complained of shall have been committed.

Appointing the hours for commencing and ending the poll each day.

s. 19. And be it further enacted, That the returning officer or officers at every election for a member to serve in parliament for any county, city, borough, or other place, shall cause the poll to be kept open in every place, and on every day of polling, from nine of the clock in the morning, except on the first day of polling, until six of the clock in the afternoon, except on the last day of polling, between the fifteenth day of *April* and the fifteenth day of *September*; and from nine of the clock in the morning, except on the first day of polling, until five of the clock in the afternoon, except on the last

day of polling, between the fifteenth day of *September* and the fifteenth day of April; and that in case any disputed questions, or any objections to votes referred to him or them, by his or their deputy or deputies, shall not be decided during the time for which the poll shall be so kept open, the returning officer or officers shall give his or their attendance in his or their own booth or other place of sitting, and proceed to decide the same, from seven of the clock to ten of the clock of the afternoon of each polling day, except on the last day of polling.

After the fourth day returning officer may close any booth when twenty have not polled in the day.

s. 20. And be it further enacted, That it shall and may be lawful for the returning officer or officers, at any election for a member to serve in parliament for any county, city, borough, or other place, and he and they is and are hereby required, on any day after the fourth day of polling, computing therein the day on which the poll shall be commenced, to close finally the poll in any booth or place of polling in which no more than twenty persons have polled, or been referred for decision to the returning officer or officers during that day: provided always, that in case it shall appear, upon the evidence of two or more credible witnesses taken upon oath, and which oath the returning officer or officers is and are hereby empowered to administer, to the returning officer or officers, that any persons intending to offer themselves to poll in such booth or place of polling, have been prevented by force and violence from coming to the same for the purpose of polling on that day, that then and in every such case it shall be lawful to and for the returning officer or officers to keep such booth or place of polling open for another day, and so on from day to day, if such force and violence be repeated, and be found to have taken place on such evidence as aforesaid, to the satisfaction of the returning officer or officers.

Qualification of deputy sheriffs.

s. 21. And be it further enacted, That the sheriff of a county shall not appoint any person to act as his deputy at any election, unless such person shall have a freehold estate of the yearly value of fifty pounds at least, above all charges; and that such sheriff shall demand upon oath of such person, whether such person has a freehold estate of that value, at the time when he shall administer to him the oath required by law to be taken by every sheriff's deputy.

Returning officer may summon constables, bailiffs, &c. to attend elections, and remunerate them.

s. 22. And be it further enacted, That at any election of a member to serve in parliament for any county, city, borough, or town, it shall be lawful to and for the returning officer or officers to summon all constables, bailiffs, and other peace officers, to attend the places of polling, and to keep the peace at such election, and to perform such other things as shall be assigned to him by the returning officer or officers, and to appoint any number of special constables that he or they may think proper, to aid and assist therein; and that every such constable, bailiff, or peace officer, who shall be so employed, shall be entitled to receive the sum of five shillings for each day of his attendance; and that every constable, bailiff, or

peace officer, when so summoned, who shall neglect to attend during the whole of such election, or to obey the lawful commands of the returning officer or officers, shall forfeit such office of constable, bailiff, or other peace officer, and all salary due to him in respect thereof.

Returning officer may commit persons obstructing the poll.

s. 23. And be it further enacted, That it shall and may be lawful to and for the returning officer or officers, or his or their deputy or deputies, at any election, and he and they is and are hereby authorized and empowered, to commit all persons to gaol, without bail or mainprize, who shall plead or speak on any matter or thing concerning the polling, or concerning any objection to a vote, or concerning the refusal of any deputy to transmit an objection to the returning officers or officer, or put any question to any returning officer, deputy, or elector, in any place of polling, or in the booth or other place of sitting of the returning officer or officers, contrary to the provisions of this act, or who shall be found rioting or interrupting the poll, or wilfully preventing the approach of electors to the place of polling, or who shall be guilty of a contempt to such returning officer or officers, or to such deputy or deputies; provided that the time of such imprisonment shall not in any case exceed twenty-four hours.

In case of death or illness of returning officer, the first sworn deputy shall perform the duty.

s. 24. And be it further enacted, That in case of the death or the severe illness of any returning officer, during the continuance of the poll at any election, it shall and may be lawful for the first sworn deputy, and he is hereby required, under the penalty of forfeiting 500*l.* to any peron who shall sue for the same, to proceed with the poll, and to act in every respect for all the purposes of the election, and with all the power and authority to do any act required by law to be done by a returning officer at any election, as if he had been originally the returning officer; and that such deputy shall take the oath directed by law to be taken by the returning officer at the commencement of the poll, which oath any two justices of the peace are hereby authorized to administer; and that such deputy shall proceed with the poll, and finally close the same at the time hereinbefore required, and make a return of the person or persons who hath or have the majority of votes, unless his authority shall be superseded by the recovery of the returning officer; and that in case of the death or the severe illness of such first sworn deputy, the next deputy in succession shall act as the returning officer, subject to the like penalty, and with the same powers, and then take the returning officer's oath in manner aforesaid; and so on, each deputy in succession shall in like manner act as the returning officer in case of the death or severe illness of the acting returning officer.

Punishment of officers returning corruptly or partially.

s. 25. And be it further enacted, That every returning officer who shall be by due course of law convicted of having acted corruptly or partially in the execution of his duty, as returning officer at any election of a member or members to serve in parliament, shall be adjudged guilty of a high misdemeanor, and shall be imprisoned for a period not exceeding three

years; and such person so convicted is hereby declared to be for ever incapable of holding any office or situation, civil or military, under the crown.

Returning officer's expenses of the election;

s. 26. And be it further enacted, That the expense of erecting booths or hiring buildings, and of employing assessors, sub-sheriffs, deputy sheriffs, clerks of the peace, deputy clerks of the peace, assistant deputy clerk of the peace, poll-clerks and other clerks, interpreters, and constables, bailiffs, or other peace officers, and all other persons directed by this act and by other acts of parliament to be employed by the returning officer or officers for the conducting of an election for any county, city, borough, or other place, and also the expense of making proclamations and returns, and of stationery, and of advertisements, and all other expenses necessary for the purpose of providing the means of taking the poll at any such election, shall in the first instance be paid by the said returning officer or officers presiding at any such election.

to be presented by the grand jury.

s. 27. And be it further enacted, That it shall and may be lawful for the grand jury of any county, county of a town, or county of a city, and they are hereby authorized and required to present at the next assizes after any election for a county, city, borough, or other place, shall have taken place within the same, such sum or sums of money as shall be necessary to reimburse the person or persons acting as the returning officer or officers at any such election, for the expenses incurred by him or them at any such election, and that such sum or sums of money shall be paid immediately after such presentment has been fiated by the judge at such assizes, to such person or persons by the treasurer of such county: Provided always, that before any such presentment be made, such person or persons shall lay before the grand jury an account of all the particulars of the expenses of such election, and all the vouchers for the said expenses; and that it shall be made to appear to the grand jury, that the said expenses are in conformity with the provisions of this act, and the other acts relating to elections, and fair and reasonable in every particular.

Affidavit of registry valid, though no reference made to former registry.

s. 28. And be it further enacted, That every affidavit or affirmation of registry made heretofore, shall be deemed to be according to law, notwithstanding no reference is made in it to a former registry; and that in any affidavit or affirmation of registry which shall be hereafter made at any sessions of the peace, no words whatever shall be introduced having any reference to a former registry; and that the acting clerk of the peace at every sessions of registry, shall immediately after each affidavit or affirmation of registry shall have been signed by the two presiding justices, and by the acting clerk of the peace, and before he proceeds to do any other business whatsoever, enter into a book the substance of every such affidavit or affirmation in succession, and not alphabetically; in the form following:

Form of entry of affidavits.

No.	Name of Freeholder.	Place of Abode.	Situation of Freehold.	Name of Landlord.	Value of Freehold.	Names of Lives or other Tenure.	Place and Date of Registry

And that the entry in the said book of all the affidavits or affirmations so registered on each day of every sessions, shall be signed by the presiding justices at such sessions, or by two of them at the least, before they leave the court, and countersigned and dated by the acting clerk of the peace.

Clerk of the peace shalle nter the names of freeholders in books.

s. 29. And be it further enacted, That the clerk of the peace of every county, county of a town, or county of a city, shall enter into alphabetical order, according to the surnames of the persons who have registered freeholds, the substance of every affidavit of registry of every freeholder capable of voting on the first day of *January* one thousand eight hundred and twenty-one, at any election for the same, in the foregoing form, in separate books, one for each barony or half-barony, county of a town, or county of a city, in which such freeholds shall lie, and shall affix bsfore each name a number, to shew how many have registered under each letter of the alphabet in each book; and that he shall enter in the same manner and form the substance of every affidavit of registry which shall be made from and after the first day of *January* one thousand eight hundred and twenty-one.

Within one month after *Jan.* 1, 1821, clerk of the peace shall cause copies of the registry books commencing from *Jan.* 1. 1813, to be printed; afterwards account to be printed annually.

s. 30. And be it further enacted, That within one calendar month next after the first day of *January* one thousand eight hundred and twenty-one, every clerk of the peace shall cause to be printed in the cheapest manner, and by contract, not less than fifty, or more than two hundred copies of the said registry books, commencing with the entries of twenty pounds and forty shillings freeholds, from the first day of *January* one thousand eight hundred and thirteen; and that every clerk of the peace shall, within one calendar month after the first day

of *January* one thousand eight hundred and twenty-two, and within one calendar month after the first day of *January* in every succeeding year, cause to be printed, in the cheapest manner and by contract, not less than fifty nor more than two hundred copies of all entries in the registry book of each barony and half-barony, county of a town, or county of a city, of all affidavits or affirmations of persons who have registered their votes within the year then last past, ending on such first day of *January* respectively; and that the clerk of the peace of every county shall deliver in each year one printed copy of the registry books to each justice of the peace residing in such county: provided always, that the clerk of the peace shall not suffer the original registry books to be out of his possession, but shall cause copies of them to be made for the purpose of printing the same.

Clerk of the peace shall produce such printed copies at each spring assizes, which shall be delivered to the clerk of the crown.

s. 31. And be it further enacted, That the clerk of the peace of every county, county of a town, or county of a city, shall produce one of the said printed copies of the registry books or each barony of half-barony in such county, or of such county of a town or county of a city, corrected by him, and certified under his hand to be correct, to one of his majesty's judges of assize, at the spring assizes, which shall be in the year one thousand eight hundred and twenty-one, for any such county; and shall produce at every succeeding spring assizes for the same, a printed copy of all entries made in such books within the year ending the first of *January* then last past, corrected by him, and certified under his hand to be correct; and that such copy or copies, so certified and produced by the clerk of the peace, shall be immediately delivered over, in the presence of the judge, to the clerk of the crown, who shall sign and date the same; and that such copy or copies shall be preserved among the records of such county, and shall be deemed equally valid as the original books at any election, in case the same, or any part of them, shall not be produced at such election by the clerk of the peace; and that the clerk of the crown is hereby required to produce the said printed copies of such books at any election, if required so to do by the sheriff or sheriffs of the county to which they belong; and that no judge at the spring assizes to be holden in the said year one thousand eight hundred and twenty-one, or at any succeeding spring assizes, shall fiat any presentment for paying any salary to any clerk of the peace, until such printed copy or copies of such registry books, so certified, shall be so delivered in his presence to the clerk of the crown; and that it shall not be hereafter necessary for the clerk of the peace to deliver copies of the entries in the books of registry to the treasurer of the county, any act to the contrary notwithstanding.

No fiat for clerk of the peace's salary, until such copies are delivered.

Freeholds not to be registered unless the instrument is stamped.

s. 32. And be it further enacted, That from and after the first day of May one thousand eight hundred and twenty, the justices presiding at any sessions of the peace shall not allow any person to register his freehold by virtue of any written

instrument, unless the same be stamped according to law; and that the clerk of the peace shall, from and after the first day of May one thousand eight hundred and twenty, certify in every certificate of the registry of a freehold of the value of forty shillings only, that the same was registered by virtue of a written instrument stamped according to law.

of the peace for neglect of duty, under this act, 500*l.*

s. 33. And be it further enacted, That if any clerk of the peace shall omit or neglect to appoint deputies and assistant deputies to attend the places of polling at any election; or to have the original affidavits or affirmations of registry arranged and indorsed as hereinbefore required; or to enter in a book at every sessions of registry, the substance of every affidavit or affirmation made thereat, in the manner and form as hereinbefore required; or to enter in books the substance of all affidavits or affirmations of registry of all the freeholders who shall be capable of voting at an election on the first day of *January* one thousand eight hundred and twenty-one, or of those freeholders who may thereafter register freeholds, in the manner and form as hereinbefore required; or to cause registry books to be printed, and to be delivered to the clerk of the crown, in the manner and form as hereinbefore required; or to certify in every certificate of registry which he shall grant after the first day of *May* one thousand eight hundred and twenty, that the written instrument produced by the person registering a freehold was stamped according to law; he shall for every such offence forfeit a sum not exceeding five hundred pounds, to any person suing for the same; such penalty to be recovered by information in any of his majesty's courts of record in *Dublin*.

Grand jury shall present for expense of printing registry books. *See* 4 *Geo.* 4. *c.* 43, *s.* 7.

s. 34. And be it further enacted, That it shall and may be lawful for the grand jury of every county, county of a town, or county of a city, at every spring assizes, and they are hereby required, authorized, and empowered, to present such sum or sums of money as shall be a proper remuneration to the clerk of the peace for the expense of printing the registry books in the manner and form hereinbefore directed: provided always, that no such presentment be made until the contract for the printing thereof be produced, and that it appear to the grand jury that the clerk of the peace has caused the said books to be printed in the cheapest manner.

Irish act, 37 *Geo.* 3. *c.* 47.

s. 35. And whereas by an act made in the parliament of *Ireland* in the thirty-seventh year of the reign of his late majesty, intituled, "An Act for the future regulation of the election of members to serve in parliament," it is amongst other things enacted, that if any person seised of a freehold not consisting of a rent charge shall desire to register it as being of the value of 50*l.* or 20*l.*, he shall in the oath or affirmation therein provided, name the parish or parishes, and the townland or townlands, in which such freehold may be situated: And whereas it is expedient that the name of the parish or parishes in the said oath may be omitted, and that the townland or townlands, or other denomination by which the place

is generally known wherein the freehold is situated, be named in the said oath or affirmation; be it therefore enacted, That it shall be lawful for any person seised of a freehold not consisting of a rent charge, who shall desire to register it as being of the yearly value of 50*l.* or 20*l.*, to omit in such oath or affirmation the name of the parish or parishes in which such freehold may be situated, and to name therein the townland or townlands, or other denomination by which the place is generally known wherein the said freehold may be situated.

Freeholders of 50*l.* or 20*l.* may omit parish in oath, and name the townland.

s. 36. And be it further enacted, That every person who shall poll a second time or offer to poll a second time at the same election, or who shall personate any other person, or attempt to personate any other person, for the purpose of polling at such election, shall be guilty of a misdemeanor, and upon being thereof convicted in any of his majesty's courts of record in *Dublin*, shall be imprisoned for any term not more than two years, at the discretion of the judge or judges who shall try such person.

Persons polling twice, or personating voters, may be punished by two years imprisonment.

s. 37. And be it further enacted, That if any person shall vote at any election, by virtue of the registry of an alleged freehold, under a lease of lands and tenements for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein; or under a lease of land or tenements for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same; or under a lease of land or tenements for a life or lives, or a certain number of years, which life or lives is or are dead; or under a lease of land or tenements for a life or lives, which lease has expired or been surrendered, after due notice not to vote by virtue of any such registry shall have been given to such person by any candidate, or by any inspector of any candidate, and which notice every candidate and inspector is hereby authorized and empowered to give to such person at any time before or during such election, or in the place of polling, such person, on being convicted thereof shall forfeit to any person who shall sue for the same, the sum of 20*l.*; to be recovered by him or them, with treble costs of suit, by action of debt, at any general quarter sessions of the peace, or at any assizes that may be held in the county in which such election shall have taken place.

Penalty on fraudulent voters, 20*l.*

s. 38. And whereas by certain acts made in the parliament of *Ireland*, and also by a certain act made in the parliament of the United Kingdom, made in the forty-fifth year of his late majesty's reign, intituled, "An Act for amending an act passed in the parliament of *Ireland* in the thirty-fifth year of his late majesty, for regulating the election of members to serve in parliament, so far as relates to freeholds under the yearly value of 20*l.* and for making further and other regulations relating thereto," it is enacted, that every oath and affirmation made and subscribed at any sessions of the peace for registry

Regulation for registry of freeholders by the mayor, recorder, &c. of counties of towns and cities.

of any freehold, shall be read aloud in open court, and signed by two of the justices presiding therein. And whereas the number of the justices who are empowered to act within several of the counties of towns, or counties of cities and towns, agreeable to the charters thereof, is extremely limited, and often confined to those, who from age and infirmity are incapacitated for active performance of duty: And whereas it is necessary to provide against any conseqnent inconvenience or delay of persons possessed of freehold property, who wish duly to register such freeholds and to qualify themselves for exercising the elective franchise: be it therefore enacted, that in all counties of towns and counties of cities on the day immediately preceding the opening of each general quarter sessions of the peace, unless such day fall upon a *Sunday*, and in such case on the day next but one preceding the opening of each general quarter sessions of the peace, and upon the day immediately after the criminal and other business of every such sessions has been fully transacted, unless such day shall fall upon a *Sunday*, and in such case, on the second day after the said business has been fully transacted, the mayor or other chief magistrate of such county of a town or county of a city, or his sufficient deputy appointed by him, pursuant to charter or prescription, in case of his absence from such town or city, or his illness, shall, upon being required so to do by any freeholder of such county of a town or county of a city, hold an open court of sessions for the purpose of registering all such freeholders as shall present themselves for that purpose in such manner and form as are now required by law; and that the said mayor, chief magistrate, or his deputy, shall commence his sitting on each day at the hour of ten of the o'clock in the forenoon, and shall continue it till the hour of four of the clock in the afternoon; and that it shall also be lawful for any person possessed of a freehold in any county of a town or county of a city, to register the same before the recorder or his deputy, presiding in open court, at any quarter sessions of the peace, or any adjournment thereof, for the county of the town or county of the city in which such freehold is situate; and that such mayor or other chief magistrate, or his deputy, and such recorder, or his deputy, shall administer all oaths, and sign all certificates, which are now required by law, to render the registry of such freehold valid; and that the signature of such mayor, chief magistrate, or recorder, or of their several deputies, so affixed in open court, shall be singly and of itself a sufficient attestation of such registry, in place of the signature of two magistrates, and of the clerk of the peace, as now required by law; and that the certificate of the registry of a freehold in any county of a city or county of a town so signed as aforesaid, shall be sufficient evidence of the registry of the same, at any election, if without any erasure or interlineation, any thing to the contrary in this act notwithstanding; and that the affidavits

of registry so attested, shall be then and there delivered by such mayor, recorder, or their respective deputies, to the clerk of the peace, to be filed and kept amongst the records of the court.

Penalty on mayor, &c. for neglect, 100*l.*;

s. 39. And be it further enacted, That if any mayor or other chief magistrate of any county of a town, or county of a city, shall neglect or wilfully omit to hold any such session, by himself or his sufficient deputy, in manner and form as hereinbefore required, upon being required so to do by any freeholder of such county of a town, or county of a city; or if any mayor or other chief magistrate, or any recorder shall omit or neglect, or wilfully refuse to register the freehold of any person duly qualified, who shall present himself for that purpose to such mayor, or chief magistrate, or recorder, such mayor, chief magistrate, or recorder so offending, shall forfeit the sum of one hundred pounds for each and every such neglect of duty; and that if the clerk of the peace or his sufficient deputy shall neglect or omit to attend any such session of the peace, upon due notice being given to him of the holding of the same by any freeholder of such county of a town, or county of a city, and then and there to do all acts now required of him by law for the registry of freeholders, such clerk of the peace shall for every such offence forfeit the sum of fifty pounds; such penalties to be recovered by information in any of his majesty's courts of record in *Dublin*; one moiety whereof shall be payable to our lord the king, and the other moiety to him who shall sue for and recover the same.

on clerk of peace, 50*l.*

Forging certificates of registry, &c. punishable by transportation.

s. 40. And be it further enacted, That if any person shall falsely make, forge, or counterfeit, or shall cause or procure to be falsely made, forged, or counterfeited, or shall willingly act or assist in the false making, forging, or counterfeiting any certificate of the registry of any freehold, or any affidavit or affirmation relating thereto, or any writing or instrument purporting to be a certificate of the registry of any such freehold, or an affidavit or affirmation relating thereto, or shall utter or publish, or assist to utter or publish, or produce in any polling booth as true, any such false, forged, or counterfeited certificate, or affidavit or affimation, writing or instrument, knowing the same to be false, forged or counterfeited, with intent to make or support any claim of himself, or any other person or persons, to vote at any election of a member or members to serve in parliament, every such person so offending and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of felony, and shall be transported for seven years to some part of his majesty's dominions out of *Europe*.

Duty and oath of poll-clerks.

s. 41. And be it further enacted, That every person whom any returning officer at any election for a member to serve in parliament for any county, shall employ to act as a clerk for taking the poll, shall enter in a book to be provided for that purpose, the number opposite to the name of each freeholder in

the registry book who shall tender his vote or offer to poll at such election, his name and the place of his abode, the situation and value of his freehold, and for whom he shall vote, and every such clerk shall, before the beginning of the poll, take an oath in the form following:

"I, *A. B.*, do swear, That I will, at this election of a member [or members as the case may be] to serve in parliament for the county, county of the town, or county of the city [as the case may be] of truly and indifferently take the poll, and set down the number opposite to the name of each freeholder in the registry-book, his name and the place of his abode, and the situation and the value of his freehold, and for whom he shall poll. So help me God"

Which oath every returning officer is hereby authorized and required to administer.

Deputy sheriffs and officers neglecting their duty at election poll, shall lose their compensation.

s. 42. And be it farther enacted, That any deputy sheriff, poll-clerk, clerk of the peace, deputy clerk of the peace, assistant deputy clerk of the peace, interpreter, constable, bailiff, or peace-officer, who shall absent himself from the duty of his office at any election of a member or members to serve in parliament for any county, city, borough, or other place, during any part of the time that the poll shall be kept open on each day, shall forfeit all compensation for his attendaunce during such election; and the returning officer or officers is and are hereby authorized and required, in case of the absence, neglect, misconduct or insufficiency of any such person or persons, immediately to remove any such person or persons, and to appoint a person or persons to fill his or their place or places.

Returning officer may dismiss them, and supply their places.

Franchises registered under 57 *Geo.* 3. *c.* 131. not affected.

s. 43. And be it further enacted, That nothing in this act contained shall extend or be construed to extend so as to limit, abridge, or defeat the franchise of any person or persons, who before the passing of this act shall have duly registered his or their franchise or franchises, under and by virtue of the act of the fifty-seventh year of his late majesty's reign, hereinbefore recited and repealed.

Persons having certain freeholds permitted to register the same in manner herein mentioned.

s. 44. And whereas it is expedient that persons having freeholds under the yearly value of twenty pounds, and subject only to quit or crown rent, or arising from fee-farm grants, or under a lease or leases for ever, or for lives renewable for ever, should have the power of voting at elections for members of parliament, although they should not reside thereon, or occupy such freeholds by tilling or grazing to the amount of forty shillings yearly value thereof; be it enacted, That it shall and may be lawful for persons having freeholds under twenty pounds yearly value, not consisting of a rent charge, and liable only to crown or quit rent, to register the same in like manner as is provided for persons having freeholds of the yearly value of twenty pounds, in an act of the thirty-seventh year of his late majesty's reign, passed in the *Irish* parliament, and intituled, *An act for the regulating of elections*; and that such person so registering his freehold, shall insert in the oath of registry, the words 'forty shillings,' instead of the words 'twenty pounds,'

Irish act, 37 *Geo.* 3.

or 'fifty pounds,' and shall add the following words, 'and that the said freehold does not consist of a rent-charge, and that it is liable to no rent, except quit or crown rent, or that it arises from fee-farm grant, or that I hold it under a lease or leases for ever, or under a lease or leases for lives, renewable for ever, [*as the case may be*],' and that every person who shall offer to vote by virtue of a freehold under the value of twenty pounds, and holding the same subject only to quit or crown rent, shall make the same affirmations, and take the same oaths as are now provided for persons having freeholds of the value of twenty pounds; provided always, that such persons shall in such oaths make the several alterations and additions as are herein set forth in the oath of registry for such persons.

Former acts to continue in force.

s. 45. And be it further enacted, That all former acts of parliament for the regulation of the election of members to serve in parliament for *Ireland*, shall be and continue in force, except only so far as the same are repealed or altered by this act; and that this act may be altered and repealed by any act to be passed in present session of parliament.

No. 164.—1, 2 GEO. IV. c. 44.

An Act to exclude Persons holding certain Judicial Offices in Ireland, *from being Members of the House of Commons.*
28*th May*, 1821.

'WHEREAS it is expedient that persons holding certain judicial offices hereinafter mentioned, should be rendered incapable of being members of the house of commons, during the time they hold the said offices respectively;' therefore be it enacted, &c. That from and after the passing of this act, no person holding the office of lord chancellor of *Ireland*, master of the rolls in *Ireland*, or being one of the twelve judges of the courts of king's bench, common pleas, and exchequer in *Ireland*, or being a master in chancery in *Ireland*, shall be capable of being elected, or of sitting or voting as a member of the house of commons.

Lord Chancellor, master of the rolls, judges, and masters in chancery, in *Ireland*, incapable of sitting in the house of commons.

Persons sitting, who are disabled, to pay penalty with costs of suit.

s. 2. And be it further enacted by the authority aforesaid, That if any person, hereby declared to be incapable to sit or vote in the house of commons, shall nevertheless be returned as a member to serve in parliament for any county, stewartry, city, borough, town, cinque port, or place, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person, disabled and declared incapable by this act to be elected, shall after the passing of this act presume to sit or vote as a member of the house of commons, such person so sitting and voting shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house of commons, to such person or persons who shall sue for the same in any of his

majesty's courts at *Westminster;* and the money so forfeited shall be recovered by the persons so sueing, with full costs of suit, in any of the said courts, by action of debt, bill, plain or information, in which no essoign, privilege, protection, or wager of law shall be allowed, and only one imparlance; and shall from thenceforth be incapable of taking, holding, or enjoying any office of honour or profit under his majesty, his heirs and successors.

Act not to extend to any election had before the passing thereof.

s. 3. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend to make void any election had before the passing of this act, or to disable from sitting and voting in the said house of commons, or subject to any penalty or forfeiture whatsoever, any person elected to serve as a member in the said house before the passing of this act.

No. 165.—2 Geo. IV. c. 58.

An Act to regulate the Expenses of Elections of Members to serve in Parliament for Ireland.

23*d June*, 1821.

Whereas it is expedient to regulate the expenses of elections of members to serve in parliament for *Ireland*; be it therefore enacted, That from and after the passing of this act, no other charges shall be made for any thing performed or done in the execution of any writ or precept for holding an election in *Ireland*, besides the charges set forth in the schedule (A.) to this act annexed, any act to the contrary notwithstanding.

No charges to be made for elections in *Ireland*, but those inserted in schedule (A.)

No persons but those mentioned in schedule entitled to fees.

s. 2. And be it further enacted, That no other person besides the person mentioned in the said schedule, shall be entitled to receive any fee or reward for any thing performed or done in the execution of any writ or precept for holding an election, any act to the contrary notwithstanding.

No rewards or presents to be given to returning officers.

s. 3. And be it further enacted, That no person to be hereafter elected to serve in parliament for any county, city, town, or borough, shall, by himself, his friends or agents, or by any person or persons, employed in his behalf, directly or indirectly, give any fee or reward of any kind, or make any payment of money by way of compliment or gratuity, or upon any account whatever, to any sheriff, under sheriff, deputy sheriff, returning officer, or deputy returning officer, clerk of the peace, or deputy clerk of the peace; and that every such person or persons, who shall so give any fee or reward of any kind, or make any payment of money by way of compliment or gratuity, or upon any account whatever, to any sheriff or under sheriff, deputy, deputy sheriff, returning officer, deputy returning officer, clerk of the peace, or deputy clerk of the peace, shall be and is and are hereby declared to be disabled and incapacitated

to serve in parliament upon such election for such county, city, town, or borough.

Irish act, 35 *Geo.* 3. so far as limits the number of agents and clerks to be employed at elections repealed.

s. 4. And be it further enacted, That so much of an act passed in the parliament of *Ireland*, in the thirty-fifth year of his late majesty's reign, intituled, "An act for regulating the election of members to serve in parliament, anp for repealing the several acts therein mentioned," as provides that no candidate for any county shall employ at or for any election for the said county, more hired agents or hired clerks, than after the rate of one agent and one clerk for each barony or half-barony in said county, shall be, and the same is hereby repealed.

Agents, &c. to be paid as in schedule (B.)

s. 5. And be it further enacted, that from and after the passing of this act, no candidate at an election for any county, city, town, or borough, shall pay to any barrister, agent, inspector, or clerk, any sum or sums of money, for his attendance, or trouble at any such election, which shall exceed the sum or sums set forth in the schedule (B) to this act annexed.

No rewards, &c. to be given to agents, &c. above what is specified in schedule.

s. 6. And be it further enacted, That if any such candidate shall give, by himself, his friends, or his agents, or by any person or persons employed by him or them, any sum or sums of money, fee, retaining fee, office, place or employment, gift or reward, or any promise or security for any money, fee, retaining fee, office, place or employment, to any barrister, agent, inspector or clerk, for doing any thing of and concerning any matter relating to any such election, directly or indirectly, over and above the sum or sums set forth to be paid in the said schedule to any barrister, agent, inspector, or clerk, he shall be and he is hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county, city, town, or borough.

1 *Geo.* 4. *c.* 11. so far as relates to grand jury presentments for reimbursing returning officers, repealed

s. 7. And be it further enacted, That so much of an act passed in the first year of the reign of his present majesty, intituled "An act for the better regulation of polls, and for making further provisions touching the election of members to serve in parliament for *Ireland*," as provides that it shall and may be lawful for the grand jury of any county, county of a town, or county of a city, to present at the next assizes after any election for a county, city, or borough, such sum or sums of money as shall be necessary to reimburse the person or persons acting as returning officer or officers at such elections, shall be and the same is hereby repealed.

Candidates not liable to expense attending the writ, &c.

s. 8. And be it further enacted that nothing in this act contained shall cause any candidate at an election for any county, city, town, or borough, to be liable to the payment of any charge or charges for the expenses attending the execution of any writ or precept for holding an election, to which he was not liable, previous to the said act of the first year of the reign of his present majesty; except for such additional places of polling, and additional deputy clerks of the peace, and deputy assistant clerks of the peace, as are by the said act required to be provided.

Schedule (A).

Charges far executing a Writ or Precept for holding an Election.

	£.	s.	d.
For providing each place of polling or booth, for commissioners, for administering oaths of qualification to Roman Catholics, such place of polling or booth not being in a public building, a sum not exceeding	15	0	0
Such place of polling or booth being in a public building a sum not exceeding	7	10	0
For the assessor to the returning officer, for attending the election, and for the first day's polling, a sum not exceeding	50	0	0
For each subsequent day's attendance, a sum not exceeding	11	7	6
For each poll-clerk, for each day's polling, a sum not exceeding	1	2	9
For each deputy clerk of the peace, for each day's polling, a sum not exceeding	0	10	0
For each assistant deputy clerk of the peace, for each day's polling, a sum not exceeding	0	5	0
For each interpreter, for each day's attendance at a poll which may be required, a sum not exceeding	0	10	0
For each constable (of whom not more than two who are employed to attend a place of polling shall be paid), for each day's polling a sum not exceeding	0	5	0

The said allowances to cover all extra and incidental expenses belonging to each of the above-mentioned persons.

For all incidental expenses, such as indentures, stamps, poll-books, advertisements, stationary, and all other expenses belonging to the execution of a writ or precept for holding an election, a sum not exceeding the rate of three pounds for each place of polling.

Schedule (B).

Payments which a Candidate may make at an Election to his Counsel, Agents, Inspectors, and Clerks.

	£.	s.	d.
To one barrister, as counsel for attending the election, and for the first day's polling, a sum not exceeding	50	0	0
For each subsequent day's polling, a sum not exceeding	11	7	6
To one conducting agent, a sum not exceeding	100	0	0

And an additional sum to cover all expenses *bonâ fide* incurred for making up books, and for other expenses necessary for taking a poll.			
To every other agent or inspector, for the first day's polling, a sum not exceeding - - -	6	16	6
For every subsequent day's polling, a sum not exceeding - - - - - - - -	3	8	3
To each check clerk and other clerk, for each day's polling, a sum not exceeding - - - -	0	15	0

The said allowances to cover all expenses for lodging, diet, and all other extra incidental expenses belonging to each of the above-mentioned persons. (No candidate to pay more than one counsel, one conducting agent, one inspector, and one check-clerk, for each place of polling; one agent for the sheriff's booth; three agents for preparing tallies, and two clerks for the same purpose, for each barony or half-barony.)

No. 166.—3 GEO. IV. c. 55.

An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River Thames *and its Vicinity, for Seven Years.*

July 5, 1822.

s. 14. And be it further enacted, That no justice appointed as aforesaid shall, during his continuance in such appointment be capable of being elected, or of sitting as a member of the house of commons; and that no justice, receiver, surveyor, or constable, appointed by virtue of this act, shall, during the time that he shall continue in his office respectively, or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in parliament for the counties of *Middlesex* or *Surrey*, or for the city and liberty of *Westminster*, or the borough of *Southwark* respectively; nor shall, by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a member to serve in parliament for the said counties, city, or borough; and every such justice, receiver, surveyor, or constable, offending therein, shall forfeit the sum of one hundred pounds; one moiety thereof to the informer, and the other moiety thereof to the use of the poor of the parish or place where such offence shall be committed; to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, in which no essoign, protection, privilege, wager of law, or more than one imparlance shall be allowed; such action to be

Justices not to sit in parliament. No justice, receiver, surveyor, or constable to vote at certain elections.

Penalty, 100*l*.

brought within the space of one year after such offence committed: Provided nevertheless, that nothing in this act shall extend to subject any such justice, receiver, surveyor, or constable, to any penalty for any act done by him at or concerning any of the said elections, in the discharge of his duty in the said respective capacities.

No. 167.—4 Geo. IV. c. 7.

An Act to regulate the Appointment and Swearing into Office of the Chancellor of Exchequer of Ireland.

19*th March*, 1823.

Seat in parliament not to be vacated by such appointment.

s. 1. And be it further enacted, That if any person holding the office of chancellor of the exchequer of *Great Britain* shall at any time be appointed to be chancellor of the exchequer of *Ireland*, then and whenever it shall so happen, the said person so appointed shall not by such his appointment to the said office of chancellor of the exchequer in *Ireland*, or by his acceptance thereof, vacate his seat as a member of the commons house of parliament, if he shall then be a member thereof.

No. 168.—4 Geo. IV. Ir. c. 36.

An Act to discourage the granting of Leases in Joint Tenancy in Ireland. 27*th June*, 1823.

Whereas the practice of granting leases to persons jointly, in common, or in partnership, still prevails in some parts of *Ireland*, to the material prejudice of the improvement of the people: And whereas the continuance of such practice is much induced by the facility thereby afforded of multiplying qualifications (often colourable only) to vote for members to serve in parliament, contrary to the spirit of the laws and constitution: And whereas it is highly expedient such inducement should cease: Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That after the passing of this act, it shall not be lawful for any person to register any freehold under the yearly value of twenty pounds, held by virtue of any lease, deed, or other instrument, given or executed to any person or persons jointly, in common, or in partnership, after the first day of *July* next, or vote for a member or members to serve in parliament for any place in *Ireland* by virtue of any such freehold.

No person to register any freehold under 20*l.* held jointly by virtue of any lease dated after 1st *July* 1823, or vote for any member of parliament.

Addition to oath of freeholders under 20*l.*

s. 2. And be it it further enacted by the authority aforesaid That every person offering to register any freehold under the

yearly value of twenty pounds, shall add to any oath or oaths which he may be legally required to take, the following words: "And that I do not hold my said freehold by virtue of any lease, deed, or other instrument, executed after the first day of *July*, one thousand eight hundred and twenty-three, given or executed to any person or persons jointly, or in common, or in partnership;" which addition to such oath or oaths the person or persons legally authorized to administer such oath or oaths is and are hereby empowered and required to administer: Provided always, that nothing in this act shall extend or be construed to extend to persons who have registered or shall register freeholds under the yearly value of twenty pounds, under a lease or leases for lives, renewable for ever, pursuant to the provisions of an act made in the first year of his present majesty's reign, intituled, *An act for the better regulating of polls, and for making further provision touching the election of members to serve in parliament for* Ireland.

Not to extend to persons registering freeholds under 20*l.* Value under a lease for lives renewable for ever. 60 *Geo.* 3. & 1 *Geo.* 4. *c.* 11.

s. 3. And be it further enacted, That in case any person shall wilfully and corruptly swear falsely in the said addition to the said oath or oaths, and shall be thereof duly convicted such persons shall be deemed guilty of perjury, and shall suffer the like pains and penalties, and incur the same disabilities, as persons guilty of wilful and corrupt perjury are subject to and incur.

Persons swearing falsely guilty of perjury.

No. 169.—4 GEO. IV. c. 43.

An Act to Regulate the amount of Presentments by Grand Juries, for Payment of the Public Officers of the several Counties in Ireland. 27*th June*, 1823.

s. 7. And whereas by an act made in the first year of his present majesty's reign, intituled, *An act for the better regulation of polls, and for making further provisions touching the election of members to serve in parliament for* Ireland, it was enacted, that it shall and may be lawful for the grand jury of every county, county of a town, or county of a city, at every Spring assizes, to present such sum or sums of money as should be a proper remuneration to the clerk of the peace for the expense of printing the registry books of each such county; be it therefore further enacted, That so much of the said act shall be and is hereby repealed; and that it shall and may be lawful for the grand jury of every county, county of a town, and county of a city, in *Ireland*, at every spring assizes, and they are hereby required, authorized, and empowered, to present such sum or sums of money as may be necessary to defray the expense of printing the registry books in the manner described in the said act, to the person or persons who shall print the same, according to the agreement entered into between such person or persons and the clerk of the peace of any such county, in pursuance to the provisions of the said act.

60 *Geo.* 3. & 1 *Geo.* 4. *c.* 11.

Presentment to be made for the expense of printing registry books under recited act to the persons printing the same.

Act not to extend to *Dublin*.

s. 11. Provided also, and be it enacted, That nothing in this act, or the table thereto annexed, shall extend to the county of *Dublin*, or to the county of the city of *Dublin*.

No. 170.—4 Geo. IV. c. 55.

An Act to consolidate and amend the several Acts now in force so far as the same relate to the Election and Return of Members to serve in Parliament, for Counties of Cities and Counties of Towns in Ireland.

Wheheas it is expedient to consolidate and amend the several acts now in force, so far as the same relate to the election and return of members to serve in parliament for counties of cities and counties of towns in *Ireland;* be it therefore enacted, &c., That from henceforth so much of an act, passed in the parliament of *Ireland* in the thirty-fifth year of the reign of his late majesty king *George* the third, intituled, *An Act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned*; and also so much of an act, passed in the thirty-seventh year of the reign of king *George* the third, intituled, *An Act for the further regulation of the election of members to serve in parliament;* and also so much of an act, passed in the forty-fifth year of the reign of king *George* the third, intituled, *An Act for amending an act passed in the parliament of* Ireland, *in the thirty-fifth year of his present majesty, for regulating the election of members to serve in parliament, so far as relates to freeholds under the yearly value of twenty pounds, and for making further and other regulations relating thereto;* and also so much of an act, passed in the first year of the reign of king *George* the fourth, intituled, *An Act for the better regulation of polls, and for making further provision touching the election of members to serve in parliament for* Ireland, as relate to the election of members to serve in parliament for any county of a city, or county of a town, shall be repealed.

So much of recited acts as relate to election of members for counties of cities and counties of towns, repealed, 35 *Geo.* 3. (I.)

37 *Geo.* 3. (I.)

45 *Geo.* 3. *c.* 59.

60 *Geo.* 3. & 1 *Geo.* 4. *c.* 11.

Mayor or other chief magistrate to hold sessions for registry of freeholders.

s. 2. And whereas the number of justices who are empowered to act within several of the counties of cities or counties of towns in *Ireland*, agreeable to the charters thereof, is extremely limited, and often confined to those who from age and infirmity are incapacitated for active performance of duty; and whereas it is necessary to provide against any consequent inconvenience or delay of persons possessed of freehold property, who wish duly to register such freeholds, and to qualify themselves for exercising the elective franchise; be it further enacted, That in all counties of cities and counties of towns in *Ireland*, on the day immediately preceding the opening of each general quarter sessions of the peace, unless such day shall fall upon a *Sunday*, and in such case on the day next but one preceding the opening of each general quarter sessions of

the peace, and upon the day immediately after the criminal and other business of every such sessions shall have been fully transacted, unless such day shall fall upon a *Sunday*, and in such case on the second day after such business shall have been fully transacted, the mayor or other chief magistrate of such county of a city or county of a town, or his sufficient deputy appointed by him pursuant to charter or prescription, in case of his absence from such city or town, or his illness, shall, upon being required so to do by any freeholder of such county of a city or county of a town, hold an open court of sessions for the purpose of registering all such freeholders as shall present themselves for that purpose, in such manner and form as is by this act required; and that the said mayor or other chief magistrate, or his deputy, shall commence his sitting on each day at the hour of ten of the clock in the forenoon, and shall continue it until the hour of four of the clock in the afternoon: Provided, however, that in case any two justices of the peace for said county of a city or county of a town shall attend at such sessions during the time appointed for the attendance of the said mayor or other chief magistrate, upon such respective days or either of them, or during any portion of such time, then and in such case the attendance of the said mayor or other chief magistrate shall not be required during the time of the attendance of such two justices of the peace.

If two justices attend, mayor's presence not necessary.

s. 3. And be it further enacted, That it shall be lawful for any person possessed of a freehold in any county of a city or county of a town, register the same before the mayor or other chief magistrate, or his deputy, or before any two justices of the peace presiding at such sessions, to be held for such county of a city or county of a town, or before any two justices of the peace, or the recorder or deputy recorder, presiding in open court at any quarter sessions of the peace for the county of the city or county of the town in which such freehold is situate, or at any adjournment thereof or any adjournment of such adjournment.

Freeholds may be registered at any sessions.

s. 4. And be it further enacted, That when any person, seised of any freehold in any county of a city or county of a town, which freehold shall not consist of a rent-charge, shall be desirous to register the same as being of the value of fifty pounds, or twenty pounds, such person shall in open court, at some sessions to be held as aforesaid, or adjournment thereof, before the mayor or other chief magistrate, or his deputy, or before two justices of the peace, before the recorder or deputy recorder presiding thereat, take and subscribe the following oath [or if a Quaker, the following affirmation]:

Freeholders, having freeholds, (not consisting of a rent charge) of 50*l.* or 20*l.* to take the following oath.

"I, of
in the county of or of the city or town of
[as the case may be] do swear, [or if a Quaker, do affirm], that I am a freeholder of and that I have and am now in actual possession of a freehold therein,

arising from a house or houses, or from land, or both, or other hereditaments [as the case may be] of the clear yearly value of or [as the case may be] above all charges payable out of the same, lying and being at or in [naming the land out of which such freehold shall arise, if the same shall arise out of land, or the street or place where such house or houses or other hereditaments shall be situate, in case such freehold shall arise out of any house or houses, or other hereditaments] in the county of the city [or county of the town, as the case may be] of and that the said freehold does not arise from a rent charge, nor have I procured it fraudulently, nor has it been granted fraudulently to me, or in exchange for a freehold in any other county.

Persons holding freeholds consisting of rent charge of 50*l.* or 20*l.* to take the following oath.

s. 5. And be it further enacted, That when any person seised of any freehold in any county of a city or county of a town, which freehold shall consist of a rent charge, shall be desirous to register the same as being of the value of fifty pounds, or twenty pounds, such person shall in open court at some sessions to be held as aforesaid, or adjournment thereof, or before the mayor or other chief magistrate, or his deputy, or before two justices of the peace, or before the recorder or deputy recorder presiding thereat, take and subscribe the following oath [or, if a Quaker the following affirmation]:

Oath.

"I, of in the county of or of the city or town of [as the case may be] do swear [or if a Quaker, do affirm], that I am a freeholder of and that I have a freehold therein of the clear yearly value of or [as the case may be] at the least, above all charges payable out of the same consisting of a rent charge granted by deed, bearing date the day of in the year [if the same shall be granted by deed, and in case it shall not be granted by deed, then stating the particulars of the title of such person to such rent charge on a house or houses, or on land, or both, or other hereditaments, as the case may be,] lying and being at or in [naming the land out of which such rent-charge shall arise, if the same shall arise out of land, or the street or place where such house or houses, or other hereditaments, shall be situate, in case such rent-charge shall arise out of any house or houses, or other hereditaments,] in the county of the city or county of the town [as the case may be] of and that I am in the possession thereof to the clear amount of or [as the case may be] yearly value thereof, and am entitled to receive the same as it becomes due."

Freeholders under the value of 20*l.* to take the

s. 6. And be it further enacted, That every person who shall be seised of a freehold under the value of twenty pounds in any county of a city or county of a town, and who shall be

desirous to register the same, shall in open court, at some sessions to be held aforesaid, or adjournment thereof, before the mayor or other chief magistrate, or his deputy, or before two justices of the peace, or before the recorder or deputy recorder presiding thereat, produce the deed, lease, or instrument under which his freehold shall arise, and shall take and subscribe the following oath [or if a Quaker the following affirmation]: following oath.

"I, of Oath.
in the county of or of the city or
town of [as the case may be]
do swear, [or if a Quaker, do affirm,] that I am a freeholder
of , and that I have a freehold
therein arising from a house or houses, or from lands, or both, or other hereditaments [as the case may be] of the clear yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at or in [naming the land out of which such freehold shall arise, if the same shall arise out of land, or the street or place where such house or houses or other hereditaments shall be situate, in case such freehold shall arise out of any house or houses or other hereditaments] in the county of the city [or county of the town, as the case may be]
of and that the said
freehold does not arise from a rent-charge, and that the same arises by virtue of the deed, or by virtue of the lease, or by virtue of the instrument, or by virtue of the deed, lease, or instrument [using all or any or either of the said terms, deed, lease or instrument] which I now produce, bearing date the day of in the year of
for the life or lives of
[or, in case the said freehold be not for life or lives, then stating the nature of his tenure, as the case may be] at the yearly rent of [specifying the whole yearly rent, or the yearly rent per acre, or such yearly rent per acre, together with the number of acres] and that I am in the actual occupation thereof by residing thereon, or by tilling or by grazing, or by both tilling and grazing [or by all or any or either of the said means, stating the same copulatively or disjunctively, as the case may be] to the amount of at least forty shillings yearly value thereof; and that the said freehold is not let or agreed to be let to the person or persons who executed the said deed, lease, or instrument [as the case may be], or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, nor do I intend to let the same to such person or persons, or any of them; and that I have not agreed to let it for the term for which I hold it, nor have I procured it fraudulently, or in exchange for a freehold in any other county. So help me God."

And if the freehold, in right of which any person shall desire to qualify himself to vote, shall not arise by virtue of a deed, lease or instrument, the person desiring to register it shall describe the same in the oath or affirmation so to be taken Persons having freeholds not arising from a deed or lease, to describe the same in the oath.

by him, according to the true state and nature of his tenure, in which case the words in the foregoing oath, importing that the same arises by virtue of a deed, lease, or instrument, shall be omitted, and such description inserted in the place thereof.

No tax, cess, &c. shall be deemed a charge, &c.

s. 7. And be it further enacted, That no public or parliamentary tax, county, church, or parish cess, on any townland or division of any parish or barony, shall be deemed any charge payable out of any freehold estate, within the meaning of this act, or any of the foregoing oaths or affirmations.

Oath to be signed by mayor, justices or recorder, &c. and delivered to clerk of the peace.

s. 8. And be it further enacted, That every such oath or affirmation as is hereinbefore mentioned shall, when sworn or affirmed to, be signed by the said mayor or other chief magistrate or his deputy, or before such two justices of the peace, or before the recorder or deputy recorder presiding at such sessions as aforesaid, and shall be then and there delivered by such mayor or other chief magistrate or his deputy, or by such justices of the peace, or by the said recorder or deputy recorder, to the clerk of the peace of such county of a city or county of a town, to be filed and kept amongst the records of the court.

Where 50*l.* freeholders take oath as herein in *Dublin*, or assizes, &c. such may be produced at sessions, &c. and shall be as good as if taken at sessions.

s. 9. And be it further enacted, That where the freehold, whether consisting of a rent-charge or not, shall be of the clear yearly value of fifty pounds, and the freeholder who shall be seised of the same shall take and subscribe the oath or affirmation (as the case may be) respectively required as aforesaid to be by him taken for registering a freehold (whether rent-charge or not) as of the value of fifty pounds, in any of the courts of king's bench, common pleas, or exchequer, in the city of *Dublin*, or at any assizes, and the same shall be subscribed by one of the judges of such courts, or the judge of assize, such oath or affirmation so subscribed may be produced at any sessions of the peace as aforesaid, held in the county of the city or county of the town where such freehold lies, and when read aloud there in open court, shall be signed by the mayor or other chief magistrate, or his deputy, or by the justices of the peace, or by the recorder or deputy recorder presiding there, and shall then be delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of such county of a city or county of a town; and every such oath or affirmation so taken shall be of equal effect for registering such freehold, within the meaning of this act, as if it had been made at the sessions of the peace as aforesaid.

Freeholders on actual service in army or militia may register where they are quartered.

s. 10. And be it enacted, That if any person seized of a freehold, whether consisting of a rent-charge or not, shall be in actual service, either in the army or militia, out of the county of a city or county of a town where such freehold lies, and shall take and subscribe the oath or affirmation required by this act to be by him taken for registering such freehold, at any sessions of the peace or adjournment thereof held in the county, town, or city in which he shall be quartered or sta-

tioned, stating therein the regiment, battalion, troop or company (as the case may be) to which he belongs, such affidavit shall be subscribed by the mayor or other chief magistrate or his deputy, or by the justices of the peace, or by the recorder or deputy recorder presiding thereat, and countersigned by the clerk of the peace for such county, town, or city, who shall certify that the corps in which he serves is quartered or stationed therein; and such oath or affirmation so subscribed and countersigned may be produced at any sessions of the peace or adjournment thereof, or at any adjournment of an adjournment, held in the county of the city or county of the town in which such freehold lies, and when read aloud therein in open court, shall be signed by the mayor or other chief magistrate or his deputy, or by the justices of the peace, or by the recorder or deputy recorder presiding there, and shall be delivered to the acting clerk of the peace, to be filed and kept amongst the records of the county; and every such oath or affirmation so taken shall be of equal effect for registering such freehold, as if it had been made at the sessions of the peace for the county of the city or county of the town in which such freehold is situated.

Freeholds not to be registered, unless instruments under which they arise be stamped.

s. 11. Provided always, and be it enacted, That the mayor and other chief magistrate or his deputy, or the justices of the peace, recorder or deputy recorder presiding at such sessions, shall not allow any person to register his freehold by virtue of any written instrument, unless the same be stamped according to law; and the clerk of the peace shall state in every certificate to be provided by him, as aforesaid, of the registry of a freehold registered by virtue of a written instrument, as of the value of 40s. only, that the same was registered by virtue of a written instrument stamped according to law.

Certificate of registry to be given to freeholder, for which the clerk of the peace shall be paid 3*d*.

s. 12. And be it further enacted, That every clerk of the peace for the county of a city or county of a town shall give, immediately on the registry of any freehold as aforesaid, to every person registering the same, if he shall demand it, a form of certificate, wherein it shall be certified that such person hath duly registered such freehold, and wherein shall be recited exactly the oath or affirmation made or taken by such person, and such certificate shall, if required by the person registering such freehold, be signed by the mayor or other chief magistrate or his deputy, or by the justices of the peace, or the recorder or deputy recorder presiding at such sessions as aforesaid; and such certificate of registry so signed as aforesaid shall be sufficient evidence at any election of the registry of such freehold, if such certificate shall be without any erasure or interlineation; and the clerk of the peace shall be paid by such freeholder for every such form of certificate the sum of three-pence.

Substance of affidavit to be entered in registry book.

s. 13. And be it further enacted, That the acting clerk of the peace at every sessions of the registry shall, within ten days after each affidavit or affirmation of registry shall have

been signed as aforesaid, enter in a book or books the substance of every affidavit or affirmation, in the form following:

Form of Entry of Affidavit.

No.	Name of Freeholder.	Place of Abode.	Situation of Freehold.	Name of Landlord.	Value of Freehold.	Names of Lives or other Tenure.	Date of Registry

Deed or lease produced by persons registering freehold to be indorsed by clerk of the peace.

s. 14. And be it further enacted, That every deed, lease, or instrument produced by any person intending to register a freehold under the value of twenty pounds as aforesaid, shall be indorsed at the time in open court, by the acting clerk of the peace, with his name, and the day of the month and year, and the clerk of the peace shall then and there compare the deed, lease, or instrument, with the affidavit of registry.

Registry not to be impeached for irregularity in holding sessions in certain cases.

s. 15. And be it further enacted, That the registry of any freehold shall not be impeached on account of any irregularity in the holding or adjourning of any sessions from whence the sessions at which such freehold shall have been registered shall have been adjourned, either directly or by any adjournment or adjournments, provided such latter sessions shall have been duly and regularly held in all other respects.

Franchises of persons already registered not to be affected.

s. 16. And be it further enacted, That nothing in this act contained shall extend or be construed to extend so as to limit, abridge, or defeat the franchise of any person or persons, who before the passing of this act shall have duly registered his or their freehold or freeholds under the act or acts in force at the time of such registry.

Penalty on mayor, &c. for neglect of duty, 100*l.*

s. 17. And be it further enacted, That if the mayor or other chief magistrate of any county of a city or county of a town shall neglect or wilfully omit to hold any such session by himself, or by his sufficient deputy, in manner and form as hereinbefore directed, upon being required so to do by any freeholder of any county of a city or county of a town; or if any mayor or other chief magistrate, or the justices, recorder, or deputy recorder, presiding at any sessions of the peace to be

held for any county of a city or county of a town, shall omit or neglect, or wilfully refuse to register the freehold of any person duly qualified who shall present himself for that purpose, to such mayor or other chief magistrate, justices, recorder, or deputy recorder, such mayor, or other chief magistrate, justices, recorder, or deputy recorder so offending, shall forfeit the sum of one hundred pounds for each and every such neglect of duty; and that if the clerk of the peace for any county of a city or county of a town, shall neglect or omit to attend at any such sessions of the peace as aforesaid, upon due notice being given to him of the holding of the same, by any freeholder of such county of a city or county of a town, or shall neglect or omit to do all or any of the acts hereby required to be done by him for the registry of freeholders, such clerk of the peace shall for every such offence forfeit the sum of fifty pounds; such penalties to be recovered by information in any of his majesty's courts of record in *Dublin*, one moiety whereof shall be payable to our lord the king, and the other moiety to him who shall sue for and recover the same.

Penalty on clerk of the peace for neglect of duty. 50*l.*

s. 18. And be it further enacted, That the clerk of the peace of every county of a city or county of a town shall enter, in the form hereinbefore appointed for the entry of freeholds, the substance of every affidavit of every freeholder who shall have registered a freehold for such county of a city or county of a town, of forty shillings, or twenty pounds, from the first day of *January*, one thousand eight hundred and sixteen, and the substance of every affidavit of every freeholder who shall have registered a freehold of such county of a city or county of a town, of fifty pounds: but such entries shall be made in alphabetical order, according to the surnames of the persons who shall have registered freeholds, and in separate books, having one book for each letter of the alphabet; and each of such books shall be divided into three parts, the first part containing the forty shillings freeholds registered from the first day of *January* one thousand eight hundred and sixteen, the second containing the entries of twenty pounds freeholds from the same time, and the third part the entries of fifty pounds freeholds; and such clerk of the peace shall affix before each name a number, to show how many have been registered of each description of freehold under each letter of the alphabet; and shall also affix before each name the number affixed thereto in the original registry book or books; and the clerk of the peace of every county of a city or county of a town, shall from time to time enter in the same manner and form every affidavit of registry which shall hereafter be made.

Clerk of the peace shall make entries of such registers in alphabetical books.

s. 19. And be it further enacted, That within one calendar month next after the first day of *January*, one thousand eight hundred and twenty-four, every clerk of the peace shall cause to be printed in the cheapest manner, and by contract, not less than fifty or more than two hundred copies of all entries in the said registry books; and that every clerk of the peace shall, within one calendar month after the first day of *January*, one

Copies of books to be printed.

thousand eight hundred and twenty-four, and within one calendar month after the first day of *January* in every succeeding year, cause to be printed not less than fifty or more than two hundred copies of all entries in the registry book of each county of a city or county of a town, of all affidavits or affirmations of persons who have registered their votes within the year then last past, ending on such first day of *January* respectively; and that the clerk of the peace of every county of a city or county of a town shall deliver in each year one printed copy of the registry books to each justice of the peace residing in such county of a city or county of a town, and six copies thereof to each member of parliament for the time being for such city or town: Provided always, that the clerk of the peace shall not suffer the original registry books to be out of his possession, but shall cause copies of them to be made for the purpose of printing the same.

One copy to be delivered to each justice, and six copies to each member.

Clerk of the peace to furnish copies of entries in registry books, and to be paid at the rate of 3*d.* for every 100 names.

s. 20. And be it further enacted, That every clerk of the peace of any county of a city or county of a town, shall, from time to time, at the request of any freeholder of such county of a city or county of a town, within ten days from such request, deliver to such person a true copy of the registry of all freeholders which shall have been registered in such county of a city or county of a town, as appearing on the original registry books, or a true copy of the same as appearing in the alphabetical books hereinbefore mentioned, or the registry of any freeholds, as appearing in any or either of the said books, within any period to be stated by the freeholder making such request, the said clerk of the peace receiving for the same at the rate of three-pence for every hundred persons' names contained in the said copy; and if any clerk of the peace shall omit to furnish a copy of the registry of any freeholders as aforesaid, within the time hereinbefore stated, such clerk of the peace shall for every such offence forfeit the sum of one hundred pounds to any person suing for the same.

Penalty for omitting to furnish copy, 100*l.*

Clerk of peace neglecting to keep books or to make entries, &c. shall forfeit 100*l.* and be disqualified; for neglecting to attend at sessions, &c. 50*l.*

s. 21. And be it further enacted, That if any clerk of the peace shall omit or neglect to keep any of the books hereby required, or to make due entries therein in the order and form required, or to file any oath and affirmation delivered to him to be filed, and to preserve the same free from erasure, blot, interlineation, or damage, he shall for every such offence forfeit the sum of 100*l.*, and be incapable of serving as a clerk of the peace for any county; and if he shall neglect or refuse to attend at any sessions whereat freeholders may be registered by virtue of this act, or shall omit to give copies of the registry books aforesaid, or any of them, or any part thereof, within a seasonable time after demand, he shall forfeit for every such offence the sum of 50*l.* to any person suing for the same.

Grand juries may present for expense of printing alphabetical books, and pro-

s. 22. And be it further enacted, That it shall and may be lawful for the grand jury of every county of a city, or county of a town, and they are hereby authorized, empowered, and required, to present such sum or sums of money as

shall be proper for the expense of printing the aforesaid books in the manner and form hereinbefore directed; such grand jury shall also present the expenses of providing the registry and alphabetical books hereinbefore mentioned. viding registry books.

s. 23. And be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament for any county of a city or county of a town, by virtue of a freehold, unless such freehold shall have been registered in manner hereinbefore directed; and that no person shall be admitted to vote at any such election by virtue of a freehold registered at the value of twenty pounds or forty shillings, unless such freehold shall have been registered within eight years preceding the teste of the writ for holding such election; and that no person who shall have registered any freehold as of the value of 50*l.* or 20*l.*, such freehold not arising out of a rent-charge, shall be admitted to vote at any such election, unless such freehold shall have been registered six months at the least before the teste of the writ for holding such election; and if such person shall have let or agreed to let the same to the person or persons from whom he holds it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, or who has let or agreed to let the same, or more thereof than shall leave a residue sufficient to constitute such freehold, for the term for which he holds it, then such person shall not be permitted to vote at any such election, unless he shall have registered such freehold twelve calendar months previous to the teste of such writ; and that no person, having registered a freehold arising out of a rent charge, shall be admitted to vote at any such election, unless such freehold shall have been registered twelve months at the least before the teste of the writ for holding such election; and no person, having registered a freehold as the value of 40*s.*, shall be admitted to vote at any such election by virtue of any freehold which shall be let or demised to the person or persons from whom he holds or derives the same, or to any person in trust for him or them, or to his or their heirs or assigns, or which shall be let or demised to any person or persons for the same term for which he holds the same; and that no person, having registered a freehold as of the value of 40s., shall be admitted to vote at any such election, unless such freehold shall have been registered twelve calendar months at the least before the teste of the writ for holding such election, except such freehold shall have come to him by descent, devise, marriage, or marriage-settlement; and in case such freehold shall have come to him by descent, devise, marriage, or marriage-settlement, then such person shall not be permitted to vote by virtue thereof, unless the same shall have been registered six calendar months previous to the teste of such writ.

No freeholder to vote unless registered.

Freeholds of 20*l.* or 40*s.* to be registered within eight years before teste of writ.

Freeholds of 50*l.* or 20*l.* to be registered six months;

and if let to person under whom held, or for term for which held, to be registered twelve months.

Rent-charger not to vote unless freehold registered twelve months.

40*s.* freeholder not to be admitted to vote, if freehold let to person under whom derived; or if freehold let for term for which held; or unless twelve months registered; unless derived by descent, &c.

If freehold shall come by descent, to be six months registered.

s. 24. And be it further enacted, That no person shall be admitted to vote at any election of any member or members to serve in parliament for any county of a city or county of a

None to vote by virtue of freeholds, granted fraudulently, or

In consideration of increase of rent.

town, by virtue of any freehold granted fraudulently, or in exchange for a freehold in any other county, or in consideration of any increase of rent out of any other lands in the same or in any other county, held by such person from the grantor, though such consideration be not expressed in the deed or grant.

None to vote under 21 years old.

s. 25. And be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament, who is under the age of twenty-one years.

Grant fraudulently made as freehold, to be valid against grantee.

s. 26. And be it enacted, That if any person or persons shall fraudulently and knowingly grant any interest importing to be a freehold, which really is not so, with intent to enable any person to vote as a freeholder at any election of a citizen or citizens, by any county of a city or county of a town, such grant shall be good and valid against the grantor thereof, for every purpose but enabling the grantee to vote.

Penalty on persons making grants as freehold, to induce lessees to register them as freeholds, having only a term of years therein.

s. 27. And be it further enacted, That if such grantor shall be possessed only of a term of years therein, and shall demise the same, or any part thereof, for a life or lives, with intent to induce the lessee therein to register such a freehold for any county of a city or county of a town, or to vote as a freeholder thereout, he shall forfeit the sum of one hundred pounds to any person who shall sue for the same, by action, bill, plaint, or information, in any court of law.

Conveyances made fraudulently to qualify voters shall be deemed valid against the persons who grant them.

s. 28. And be it further enacted, That from and after the passing of this act, all estates, grants, and conveyances whatsoever, made to any person or persons in any fraudulent or collusive manner, on purpose or with intent to qualify him or them to give his or their vote or votes at any election or elections, citizens for counties of cities, burgesses for counties of towns, subject to conditions or agreements to defeat or determine such estates, grants, and conveyances, shall be deemed and taken against the person or persons who granted such estate as free and absolute, and be holden and enjoyed by all and every person and persons to whom such conveyance or grant shall be made as aforesaid, freed and absolutely acquitted, exonerated, and discharged of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisoes of redemption, or other defeasances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts or agreements between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating, such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons, in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or, being privy to such purpose, shall devise or prepare the same, and every person who, by colour

All covenants for redemption shall be void.

Persons who execute or prepare such conveyances, or who vote under such, forfeit 100*l.*

thereof, shall give any vote at any election for any such member to serve in parliament, shall for every such grant and conveyance so made, or vote so created or given, forfeit the sum of one hunded pounds sterling to any person who shall sue for the same, to be recovered by information in any of his majesty's courts.

No trustee or mortgagee to vote, unless in possession 12 months before the teste of writ. Mortgagor may vote.

s. 29. And be it further enacted, That no person shall be admitted to vote at any election by reason of any trust estate or mortgage, unless such trustee or mortgagee shall have been in the actual possession or receipt of the profits thereof, for his own use, twelve calendar months before the teste of the writ for holding such election, and the mortgagor or *cestui que trust* in possession (or both, as the case may be) may vote out of such estate, notwithstanding such mortgage or trust: provided always, That no rector, vicar, or curate, shall be obliged to register his freehold arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election on account of his not having registered the same: provided always, That no person shall be precluded from voting by virtue of any freehold, on account of having sold, alienated, or disposed of any part of the freehold he shall have registered between the date of such registry and the day he shall offer his vote, if he shall have retained thereof to the annual value sworn in such registry.

Clergymen not obliged to register ecclesiastical freeholds.

None precluded who have disposed of a part, if they retain as much as sworn to.

Town clerk or other proper officer of city or town, to keep registry book of persons to whom freedom shall be granted;

and give lists of entries when required, on receiving at the rate of 3*d.* for every 100 names.

s. 30. And be it further enacted, That the town clerk or other officer of each county of a city or county of a town in *Ireland*, who shall have charge of the books whereby it shall appear to what persons the freedoms of such city or town shall be granted, and by which it shall appear what persons have been declared entitled to their freedom as of right, shall keep a book containing a list of the names of the persons elected or admitted freemen, and of the persons to whom all freedoms shall be granted, and of the persons who shall be declared entitled to their freedom as of right; and such town clerk or other officer shall, at the request of any freeman of the said city or town, within ten days from the time of making such request, deliver to such person a list of the names of the persons elected or admitted freemen, and of the persons to whom such freedoms shall be so granted, and of the persons who shall be so declared entitled to their freedom as of right, within such time as shall be specified by such person, such town-clerk or other officer receiving for the same at the rate of three-pence for every hundred persons' names contained in such list; and if any town-clerk or other officer as aforesaid shall omit to keep a book containing the entry of such names, or shall omit to furnish a list of the names of such persons within the time appointed for furnishing the same as aforesaid, after request made as aforesaid, such town-clerk or other officer shall for every such offence forfeit the sum of one hundred pounds to any person suing for the same.

Penalty for neglect, 100*l.*

Officers of corporations to admit candidates, &c.

s. 31. And be it further enacted, That any mayor, bailiff, town clerk, or other officer of any corporation having a right

at times herein mentioned, to inspect books, on payment of 2s. 6d., and give copies, on receiving 2s. 6d. for each admission.

to return members to parliament, shall upon the demand of any candidate, agent, or freeman of such corporation, on payment of 2s. 6d., permit such freemen, between the hours of twelve at noon and three in the afternoon, at any time to inspect the books and papers wherein the admission of freemen shall be entered, and to have copies or minutes of the admission of so many freemen as such candidate, agent, or freeman shall think fit, upon payment to such mayor or other officer of 2s. 6d. for every such admission; and such books and papers shall, if demanded by such candidate or his agent or freeman, be produced by such mayor or other officer; and

Penalty for refusal, 100*l.*

if such mayor or other officer shall refuse or deny such candidate, agent, or freeman the inspection of such books and papers at any election, if demanded and paid for in the manner hereinbefore set forth, such mayor or other officer shall for every such offence forfeit the sum of 100*l.* to him, her, or them who shall sue for the same, to be recovered in manner hereinafter mentioned.

Freemen not to vote unless admitted to freedom, or freedom granted to them six months before teste of writ.

s. 32. And be it further enacted, That no person shall be admitted to vote as a freeman at any election of a member to serve in parliament, whose freedom shall not have come to him by service, birthright, or marriage, unless he shall have been elected or admitted to his freedom, or his freedom shall have been granted to him, six calendar months at the least before the teste of the writ for holding such election.

Sheriffs shall indorse on writs for elections the time of receiving thereof, and make proclamation and affix notice on the court-house.

s. 33. And be it further enacted, That immediately after the receipt of the writ for making an election for any county of a city or county of a town, the sheriffs or other returning officers of such county of a city or county of a town shall and they are hereby required to indorse thereon the date of receiving the same; and that such sheriffs or other returning officers shall, within two days after the receipt of such writ, cause proclamation of the time and place of holding such election to be made, at the usual place of holding such elections, between the hours of ten of the clock in the forenoon and two of the clock in the afternoon; and that the said sheriffs or other returning officers on the same day shall cause to be affixed on the doors of the court-house of such county of a city or county of a town, public notice of a special county court, to be there holden for the purpose of such election only, and which shall be holden on the same day (Sunday, Christmas Day, and Good Friday excepted,) not later from the day of making such proclamation and affixing such notice than eight days, nor sooner than four days.

Whenever more than 800 freeholders are registered in any county of a city or county of a town, additional places of polling shall be provided, &c.

s. 34. And be it further enacted, That whenever in any county of a city or county of a town the number of freeholders appearing by the books of the clerk of the peace capable of voting at any election for the same shall exceed eight hundred freeholders, it shall and may be lawful for the returning officers and they are hereby required to provide two or more places for the polling the freeholders of such county of a city or county of a town, and to make such division or divisions of the free-

holders of such county of a city or county of a town, according to the first letters of their names, that it shall not be necessary for more than eight hundred freeholders to poll in any one place of polling, but so as not to divide the names beginning with the same letter of the alphabet; and such returning officers shall, and they are hereby required to appoint as many deputies and poll-clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy and one poll-clerk for each place of polling; provided, however, that no greater number of polling places shall be provided by such returning officers, than one for every eight hundred freeholders, appearing by the books of the clerk of the peace to be capable of voting at such election.

Deputies and poll-clerks to be appointed.

s. 35. And be it further enacted, That whenever, in any county of a city or county of a town, the number of freemen appearing by the grand panel or roll of freemen of such county of a city or county of a town, capable of voting at any election for the same, shall exceed one thousand, it shall and may be lawful for the sheriffs or other returning officers, and such returning officers are hereby required, to provide two places for the polling of the freemen of such county of a city or county of a town; and that it shall and may be lawful for the returning officers, and they are hereby required to appoint as many deputies and poll-clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy and one poll-clerk for each place of polling; the respective places of polling of freemen to be separate and distinct from the places appointed for the polling of freeholders; provided, however, that no greater number of polling places than two shall be provided by such returning officers for such county of a city or county of a town.

When freemen shall exceed 1000 two places of polling to be provided for them.

s. 36. And be it enacted, That every poll which shall be demanded at any election of a member or members to serve in parliament for any county of a city or county of a town in *Ireland*, shall commence on the day upon which the same shall be demanded, or upon the next day after at farthest (unless such day shall happen to be a Sunday, Christmas Day, or Good Friday, and in such case on the day next after,) and shall be duly and regularly proceeded in from day to day, for so many hours of each polling day as the returning officer or officers is or are by this act directed to keep the poll open (Sundays, Christmas Day, and Good Friday always and only excepted,) until the same be finished, but so that no poll for the election of a member or members to serve in parliament for any county of a city or county of a town in *Ireland* shall continue more than fifteen days at the most (Sundays, Christmas Day, and Good Friday always excepted); and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the hour of three o'clock in the afternoon of the same day; and the returning officer or officers at every such election shall, immediately after the final close of the poll, truly, fairly, and publicly declare the name or

Poll shall begin on the day when demanded, or the day after, and continue daily, and conclude at 3 o'clock on the 15th day (*Sundays*, *Christmas-day*, and *Good Friday* excepted).

Return shall be made on the 15th day.

names of the person or persons who hath or have the majority of votes on such poll, and shall forthwith make a return of such person or persons.

Returning officer to take the following oath.

s. 37. And be it further enacted, That every returning officer shall, before the commencement of polling, take and subscribe in open court the oath following, which every justice of the peace is hereby required and authorized to administer:—

Oath.

"I, *A. B.*, do swear, That I will honestly, impartially, and without favour to any candidate, take the poll at this election; and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any money, gift, reward, promise, contract, or security for money or other reward, for or in respect of the conduct which I shall observe during the ensuing poll, or the return which I shall make at the close thereof, except the expenses of erecting booths, hiring buildings, keeping them in repair, and the payment of clerks and deputies, and counsel for my assistance; and that I will return such person or persons as shall appear to the best of my judgment, at the close of the poll, to have the majority of legal votes."

Deputies to take the following oath.

And that every deputy appointed by virtue of this act shall, before he proceeds to take the poll, take and subscribe, in open court, the oath following, in the presence of the returning officer or officers, who is and are hereby required and empowered to administer the same:

Oath.

"I, *A. B.*, do swear, That I will honestly, impartially, and without favour to any candidate, take the poll at this election: and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive, any money, gift, reward, promise, contract, or security for money, or other reward, for or in respect of the conduct I shall observe during the ensuing poll; and that I will make a fair and true return of all such persons as shall tender their votes before me, to be by me taken to the returning officer or officers by whom I am appointed, whenever and as often as I shall be thereunto required by him or them."

And a memorandum of every of the said oaths being taken shall be entered on the poll-book.

Oath of clerk for taking poll of freeholders.

s. 38. And be it further enacted, That every person whom any returning officer at any election for a member to serve in parliament for any county of a city or county of a town shall employ to act as clerk for taking the poll of freeholders shall, before his beginning to take such poll, take an oath in the form following:—

"I, *A. B.*, do swear, That I will at this election of a member [or members, as the case may be] to serve in parliament for the county of the city or the county of the town [as the case may be] of truly and indifferently take the poll, and set down the number opposite to the name of each freeholder in the registry book, his name and the place of his

abode, and the situation and the value of his freehold, and for whom he shall poll."

Which oath every returning officer is hereby authorized and empowered to administer; and every such clerk of the peace shall enter in a book, to be provided for that purpose, the number which shall appear in the alphabetical registry book, opposite to the name of each freeholder who shall tender his vote, or offer to poll at such election, in the booth to which such clerk shall be appointed, the name of such freeholder, and the place of his abode, the situation and value of his freehold, and for whom he shall vote. His duty.

s. 39. And be it further enacted, That every person whom any returning officer, at any election for a member to serve in parliament for any county of a city or county of a town, shall employ to act as a clerk for taking the poll of freemen, shall, before his beginning to take such poll, take an oath in the form following:— Oath of clerk taking poll of freemen.

"I *A. B.*, do swear, That I will at this election of a member or members [as the case may be] to serve in parliament for the county of the city or county of the town [as the case may be] of truly and indifferently take the poll, and set down the name and the place of abode of each freeman, and for whom he shall poll."

Which oath every returning officer is hereby authorized and required to administer; and every such clerk shall enter in a book to be provided for that purpose, the name and the place of abode of each freeman who shall tender his vote, or offer to poll at such election, in the booth for which such clerk shall be appointed, the place of abode of such freeman, and for whom he shall vote. His duty.

s. 40. And be it further enacted, That it shall and may be lawful to and for the sheriff and other returning officers, at any election for a member to serve in parliament for any county of a city or county of a town, and they are hereby required to erect a booth or hire a building, unless there shall already be some fit and convenient place for the purpose, wherein they may and shall decide all the disputed questions, and all the objections to votes that may be referred to them, and which booth or building, or other place, shall be separate from and exclusive of the number of booths or buildings, or other places necessary for the polling of the electors; and such returning officers, or one of them, is and are hereby required to give his or their constant attendance in such separate booth, building, or other place, in which the polling shall continue each day. Sheriff shall attend at a booth separate from polling booths, to decide disputed questions.

s. 41. And be it further enacted, That the respective deputies to be appointed by the sheriffs or other returning officers, in manner herein mentioned, shall appoint in each place of polling such one person for each candidate as shall be nominated to him by such candidate, to be an inspector of the clerk appointed for taking the poll, and the agent of such candidate in such place of polling; and shall also appoint such one other person for each candidate as shall be nominated by such candi- Deputy sheriffs to appoint in each place of polling one person to be inspector and agent, and another to be clerk for checking the poll clerk for each candidate.

date, to be a clerk for keeping a cheque-book of the poll-book in such place of polling.

Deputies may be removed, &c.

s. 42. And be it further enacted, That the sheriffs, or other returning officers of every county of a city or county of a town, may from time to time during every election remove any deputy who shall be appointed in manner herein directed, and appoint another in his room, or may change any deputy from one booth or building to another, as such returning officers shall think fit: provided always, that every such removal or new appointment of a deputy, or change from one booth or building to another, shall be made publicly, and proclaimed in the place where such deputy shall take the poll, by the returning officer or officers, or some person to be for that purpose appointed by him or them.

On demand of candidates, returning officers shall appoint interpreters.

s. 43. And be it further enacted, That it shall and may be lawful to and for the officers at any election for a county of a city or county of a town in *Ireland*, and they are hereby required, on the demand in writing of any candidate, to appoint a sufficient number of competent persons to act as interpreters, in order to translate faithfully such oaths, affirmations, and such questions and answers as are required to be taken, made, asked, or given at any such election; and that every such interpreter shall, immediately after such appointment and before he shall proceed to act under such appointment, take the following oath; and every returning officer is hereby required and empowered to administer the same:

Oath.

"I, *A. B.*, do swear, That I will faithfully interpret such oaths, affirmations, questions, and answers, as I shall de directed to interpret by the returning officer or officers, and his or their deputy or deputies [as the case may be].

And that every such person so appointed for the purpose aforesaid shall be entitled to receive the sum of ten shillings for each day of his attendance."

Clerk of the peace shall appoint a deputy to attend at election with registry books and original affidavits of registry alphabetically arranged, &c.

s. 44. And be it further enacted, That the clerk of the peace, at every election of a member to serve in parliament for any county of a city, or county of a town in *Ireland*, shall appoint, or in failure thereof, the sheriffs or other inferior officers thereof shall appoint a deputy clerk of the peace, who shall attend with the original registry book or books in which the entries of the registry of all freeholds shall be first entered at the booth to be provided for the sheriffs or other returning officers, as hereby directed, and also a deputy clerk of the peace, and also an assistant to such deputy, to be present in each place of polling of freeholders; and such deputy shall take with him into such place of polling such of the alphabetical registry books belonging to the county of a city or county of a town, as shall contain the names of the freeholders to be polled in such place of polling, and the original affidavits or affirmations, which shall have been made by the persons capable of voting in such place of polling respectively; which affidavits or affirmations the clerk of the peace is hereby required to have arranged alphabetically in separate parcels

(one or more for each letter of the alphabet,) and indorsed with the names of the persons by whom the same were respectively made, and also with the number of the entry of each affidavit or affirmation in the original registry book or books; and that in those cases wherein a certificate of registry shall not be produced by the person tendering his vote or offering to poll, such deputy shall, on the demand of the returning officer's deputy, produce the original affidavit or affirmation of the registry of such person; and that such deputy clerk of the peace shall be entitled to receive the sum of ten shillings and no more, for each day of his attendance, any act to the contrary notwithstanding; and such assistant to such deputy shall be entitled to receive the sum of five shillings for each day of his attendance; and that if such deputy, or such assistant to such deputy shall alter, deface, destroy, or lose any affidavit or affirmation of registry committed to his care, he shall forfeit the sum of ten pounds for every such offence, to any person suing for the same, by action of debt, at any general quarter sessions of the peace.

Such deputy to receive 10*s.* per day, and his assistant 5*s.* per day.

Penalty for altering or defacing affidavits, 10*l.*

s. 45. And be it further enacted, That at every election of a member to serve in parliament for any county of a city or county of a town in *Ireland*, the town clerk or other officer having charge of the books relating to the granting or electing of or admissions to freedoms for such county of a city or county of a town shall appoint, or in failure thereof the sheriffs or other returning officers shall appoint a deputy town-clerk or other such officer as shall have charge of such books, and such deputy so appointed shall attend in the place appointed for the attendance of such sheriffs or other returning officers, and shall take such books with him thereto; and in case the sheriffs or other returning officer shall deem it expedient to refer to any of the entries contained in such books, such deputy town clerk or other officer shall produce the same to such sheriff or other returning officer; and such deputy town-clerk or other returning officer shall be entitled to receive the sum of ten shillings, and no more, for each day of his attendance.

Deputy town clerk to attend sheriffs with books containing entries of grants of admissions to freedoms.

Allowance for attendance 10*s.* per day.

s. 46. And be it further enacted, That at every election for a member to serve in parliament for a county of a city or county of a town in *Ireland*, the town-clerk or other officer having charge of the grand panel or roll of freemen of such county of a city or county of a town, shall provide a copy of such grand panel or roll of freemen for each place of polling freemen at such election; and shall appoint, or in failure thereof, the sheriffs or other returning officers of such county of a city or county of a town shall appoint a deputy town-clerk or other officer, having charge of such grand panel or roll of freemen for each place of polling freemen at such election; and such deputy so appointed shall take with him to such place of polling a copy of such grand panel or roll of freemen, and shall produce and refer to the same, as shall be directed by the sheriffs or other returning officers or their deputy, presi-

Town clerk to provide copy of grand panel or roll of freemen for each polling place, for freemen; and shall appoint deputy to attend with it.

Attendance 10*s.* per day.

ding in such place of polling; and each of such deputies shall be entitled to receive the sum of ten shillings and no more for each day of his attendance.

Oath of not having voted before, and of being of age, to be put, if required.

s. 47. And be it further enacted, That at every election of a member or members to serve in parliament for any county of a city or county of a town, the returning officer's deputy shall, if required by any candidate or the inspector of any candidate so to do, in person administer, in the place of polling in which he presides, an oath, in the following form, to every person separately who shall tender his vote, or offer to poll at such election, and immediately after the production of the certificate or affidavit of registry, when any such person offers to vote by virtue of a freehold; (that is to say,)

Oath.

"I, *A. B.* do swear, [or being a Quaker or Moravian, do solemnly affirm], That I will true answer make to all such questions as the sheriffs or other returning officer's deputy [as the case may be], presiding in his booth, shall demand of me; and I do also swear, [or being one of the people called Quakers or Moravians, do solemnly affirm], That I have not polled before at this election, and that I am, as I believe, twenty-one years of age. So help me God."

Oath of not having received reward for voting to be administered, if required.

s. 48. And be it further enacted, That at every such election for a county of a city or county of a town, the returning officer's deputy shall, if required by any candidate, or the inspector of any candidate so to do, also adminster, in the place of polling in which he presides, an oath in the following form, to every person separately who shall tender his vote, or offer to poll at such election, before such person shall be permitted to poll.—

Oath.

"I, *A. B.*, do swear, [or being of the people called Quakers, I, *A. B.*, do solemnly affirm,] I have not received or had myself or any person whatsoever in trust for me, or for my use and benefit, or for the use and benefit of any of my family or kindred, to my knowledge or belief, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, for any promise or security for any money, office, or employment, in order to give my vote at this election."

Deputy to refer to registry book, and certificate of registry deemed conclusive evidence, and in default thereof the original affidavit.

s. 49. And be it further enacted, That in every case in which any person shall tender his vote, or offer to poll at any election for a member to serve in parliament for a county of a city or a county of a town, by virtue of a freehold, the returning officer shall, in the first place, refer to the entry of the registry of the affidavit or affirmation, in the alphabetical book furnished by the clerk of the peace in which the same shall be contained, and write down opposite to the same the initial letters of his name, and then he shall refer to the certificate or affidavit of the registry of the same; and that if any such person shall produce a certificate of the registry of his freehold corresponding with such entry of the original affidavit or affirmation, without any erasure or interlineation therein, signed as required by law, such certificate shall,

without further proof, be deemed of equal authenticity with the original oath or affirmation, and conclusive evidence that such person so tendering his vote, or offering to poll, had registered such freehold, and the returning officer's deputy shall write down the initials of his name upon the margin of such certificate; and that in all cases wherein no such certificate shall be produced by the person tendering his vote, or offering to poll, or wherein such certificate, if produced, shall appear to the returning officer's deputy not to be in manner and form as aforesaid, it shall and may be lawful for the returning officer's deputy, and he is hereby required to direct the deputy clerk of the peace to produce the original affidavit or affirmation of the registry of the freehold of such person so tendering his vote, or offering to poll.

When entry of freehold appears in registry, vote to be taken unless oaths required or objections made.

s. 50. And be it further enacted, That whenever the entry of the affidavit or affirmation shall appear in the registry book, and that any such person shall have produced such a certificate of registry as is hereinbefore described, or that the original affidavit or registry shall have been produced by the deputy clerk of the peace, and that such person so tendering his vote, or offering to poll, shall have taken the oaths aforesaid, if required so to do, such deputy shall then ask such person for whom he votes, and the vote of such person shall be entered on the poll-book according to his answer, unless such deputy shall be required by any candidate, or the agent of any candidate, to put to such person the questions hereinafter mentioned, or unless an objection be made to such vote in manner herein directed: Provided always, that it shall and may be lawful to and for the returning officer's deputy to take the vote of any person tendering his vote, or offering to poll, whose freehold appears on the registry-book, without referring to the certificate or affidavit or affirmation of registry, if he be not required by any candidate, or any inspector of any candidate, so to do.

Questions to be put to voters and to freeholders if required.

s. 51. And be it enacted, That the returning officer's deputy shall, if required by any candidate or the agent of any candidate so to do, put the following questions, and no others, to any person tendering his vote, or offering to poll at any election for a member to serve in parliament for a county of a city or county of a town in *Ireland*, without allowing any person to interrupt him:

1. What is your name?
2. Where do you reside?
3. Do you swear that you are possessed of a freehold in the county of the city or county of the town of [naming the county of a city or county of a town for which the election is held?]
4. Where is such freehold situated?

And that the returning officer's deputy shall then, if required by any candidate or the inspector of any candidate so to do, refer to the certificate of registry, if one be produced by the person tendering his vote or offering to poll, or if none be

produced, to the original affidavit of registry, and then shall immediately ask, if required by any candidate or the inspector of any candidate so to do, without making or allowing any other person to make any comments or observations upon the said certificate or affidavit, the following questions:

5. Is the freehold described in this certificate or affidavit of registry [as the case may be] the same freehold which you now swear you are possessed of, or by virtue of which you now offer to vote?

And that in case it shall appear to the returning officer's deputy, from the certificate or affidavit of registry, that any person shall tender his vote or offer to poll in respect of a freehold of the value of forty shillings only, the said deputy shall then, if required by any candidate so to do, put the following questions:

6. Do you swear that you have been in the actual occupation of this freehold, as described in your certificate or affidavit of registry [as the case may be] by tilling it or by grazing it, or by residing upon it during the whole of the last twelve months?

7. Do you swear that the freehold is now of the clear yearly value of forty shillings, above all charges payable out of the same?

And when such person so tendering his vote or offering to poll shall have answered the questions that shall have been demanded of him as aforesaid, such deputy shall ask such person for whom he votes; and the vote of such person shall be entered in the poll-book according to his answer, unless an objection be made to such vote in manner herein directed: Provided always, that if it shall appear to such deputy, from the answers which shall be given by any person to the first four questions aforesaid, that his freehold arises from a rectory, vicarage, or curacy, or other ecclesiastical preferment, the said deputy shall not proceed to put to such person the other questions hereinbefore mentioned; but when such person shall have answered such four questions, such deputy shall ask such person for whom he votes; and the vote of such person shall be entered in the poll-book according to his answer, unless an objection be made to such vote in manner herein directed; and provided always, that if an entry of the affidavit or affirmation of the registry of the freehold of any person tendering his vote or offering to poll, required by law to be registered, shall not appear in the registry book, or that if any person tendering his vote or offering to poll shall not either produce such certificate of registry as by law required, or be able to refer to an original affidavit or affirmation of his registry, in the possession of the deputy clerk of the peace, or that if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer's deputy, or that the person so examined shall admit in his answer or answers to the said question or questions that he is not the per-

If entry of freehold shall not appear in book, &c. deputy to refer person offering to vote to returning officer.

son whose freehold is registered, or that he has no freehold, or that the freehold described in his certificate or affidavit or affirmation of registry [as the case may be], is not the freehold for which he tenders his vote, or that he has not been in the occupation thereof for the whole of the last twelve months, or that the same is not at the time of tendering his vote of the value of forty shillings, above all charges payable out of the same; then and in every and in any such case it shall and may be lawful to and for such deputy, and he is hereby required, authorized, and empowered to refer such person to the returning officer or officers, or his or their assessor, for examination, and to proceed immediately to receive the vote of the next person who shall tender his vote or offer to poll.

Questions to be put to persons offering to vote as freemen, if required.

s. 52. And be it further enacted, That in every case in which any person shall tender his vote or offer to poll at any election for a member to serve in parliament for any county of a city or county of a town, the returning officer's deputy shall, if required by any candidate or the agent of any candidate so to do, put to such person the following questions, and no other:

What is your name?

Are you a freeman of the county of the city or county of the town of [naming the county of a city or county of a town for which the election is held?]

Have you been sworn?

Provided always, that where the right of election in any county of a city or town in *Ireland* shall have been determined, under and by virtue of any act or acts of parliament now in force for the trial of controverted elections or returns of members to serve in parliament, to be in the resident freemen only of the county of a city or town, the returning officer's deputy shall, if required by any candidate, or the agent of any candidate, put the following additional questions to any person offering to vote as a freeman:

When were you admitted a freeman thereof, or elected a freeman thereof; or, was the freedom thereof granted to you, to the best of your knowledge and belief?

Where did you reside in the month of in the year ? [here stating the time of admission, election, or grant of the freedom.]

And the answers to which questions shall be inserted in the poll books: and when the person so tendering his vote, or offering to poll, shall have answered such questions, such deputy shall ask such person for whom he votes; and the vote of such person shall be entered in the poll-book according to his answer, unless an objection be made to such vote, in manner herein directed.

Where vote is objected to a memorandum of the objection shall be made by the poll

s. 53. And be it further enacted, That at any election for a member to serve in parliament for any county of a city or county of a town, no objection shall be made to vote, until after the person tendering the same shall have declared for

clerk for the returning officer to decide.

whom he votes; and that if the vote of any person shall be then objected to by an inspector of any candidate, the poll shall not be on that account delayed, but the returning officer's deputy shall direct the poll-clerk to enter a memorandum on the poll-books, showing to which candidate or candidates such person has given his vote, and he shall immediately proceed to receive the vote of the next person who shall tender his vote or offer to poll: and that the inspector who shall have made the objection on behalf of any candidate, shall instantly write down a memorandum on a printed form, to be provided by the returning officer, containing the name of the voter, the place of his abode, and the nature of the objection or objections, and sign and date the same, and shall give the same to the returning officer's deputy, and shall sign the same with the initial letters of his name, and then give the same to the assistant deputy clerk of the peace, who shall take the same, together with the certificate, or affidavit, or affirmation of registry, if it shall be necessary so to do, to the returning officer, to decide on the validity thereof; and that it shall thereupon be lawful to and for the returning officer or officers, or his or their assessor, at the discretion of such returning officer or officers, or his or their assessors only, to order the voter to attend before him or them during the enquiry into his vote, and for such returning officer or officers, or his or their assessor, to examine such voter, by such questions as such returning officer or officers, or his or their assessor, shall think necessary to ask, as to any objection or objections made to his vote; and such returning officer or officers, or his or their assessor, shall administer an oath to such voter, in the form following:—

Oath to be administered to such voter.

'I, *A. B.*, do swear, [or being a Quaker or Moravian, do solemnly affirm, that I will true answers make to all such questions as shall be here put to me by the returning officer or officers, or his assessor [as the case may be].

So help me God.'

Vote may be allowed or rejected by returning officer or his assessor.

And that if the vote shall be allowed, the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, 'allow this vote;' and that if the vote shall be disallowed, then the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, 'reject this vote;' and that in either case, the returning officer or officers, or his or their assessor, shall write down the initials of his or their name or names under the words so directed to be written down upon the memorandum; and the returning officer or officers, or his or their assessor, shall then deliver the said memorandum to the same assistant deputy clerk of the peace who had brought it to him or them, to be forthwith carried back to the returning officer's deputy; and that such deputy shall either reject such vote, or order the poll clerk to enter the same upon the poll for the candidate or candidates to whom it had been given, according as he shall be directed by the returning officer or officers, or his or their assessor; and that every such memor-

andum shall be preserved by such deputy, and be delivered to him by the returning officer or officers, to be attached to the poll-books at the close of the election; and that the form of the said memorandum so to be prepared as aforesaid, shall be as follows:—

Form of Objection as to Freeholders.

Number in the Registry Book.	Name of Voter.	Abode of Voter.	Objection.
		(Signed)	
		Dated day of 18	
Allow this Vote. (Signed)		Reject this Vote. (Signed)	

Form of Objection as to Freemen.

Name of Voter.	Abode of Voter.	Objection.
	(Signed)	
	Dated day of	
Allow this Vote. (Signed)		Reject this Vote. (Signed)

Form of Objection to Freemen, where the Right of Election shall have been determined, under and by virtue of any Act or Acts of Parliament now in force for the Trial of controverted Elections or Returns of members to serve in Parliament to be in the resident Freemen.

Name of Voter.	Date of Original Entry in Corporation Books of Election to, Grant of, or Admission to Freedom.	Residence at Time of Original Entry in Corporation Books of Election to, Grant of, or Admission to Freedom.	Objection.
		(Signed) Dated	
Allow this vote. (Signed)		Reject this Vote. (Signed)	

Provided always, That in case any objection be taken to vote which shall not be in substance different from one previously ruled by the returning officer or officers, or his or their assessor, or in case any objection be taken which shall appear to such deputy to be frivolous, or taken for the purpose of delay, that then in every such case it shall not be lawful to and for the deputy to transmit the memorandum containing such objection to the returning officer or officers, and that in every such case such deputy shall admit the vote so objected to, to be entered upon the poll.

Circumstances under which returning officers reject vote of person claiming to be freeholder.

s. 54. And be it further enacted, That if an entry of the affidavit or affirmation at any election for a member or members to serve in parliament for any county of a city or county of a town in *Ireland*, of the registry of the freehold of any person tendering his vote or offering to poll, required by law to be registered, shall not appear in the registry book, or if any person tendering his vote or offering to poll, shall not either produce such certificate of registry as by law required, or be able to refer to an original affidavit or affirmation of his registry, in the possession of the deputy clerk of the peace, or if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer or officers, or his or their assessor, or if it

shall appear to such returning officer or officers, by the admission of the person so offering to vote, or upon a due examination of one or more credible witness or witnesses, upon his or their oath or oaths (which oath or oaths the returning officer or officers is and are hereby authorized and empowered to administer,) that the person offering to vote by virtue of a freehold at such election has polled before at such election, or has personated another elector for the purpose of polling at such election, or has polled by virtue of a forged certificate of registry or offers to poll by virtue of a registry of an alleged freehold under a lease for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein, or by virtue of a registry of an alleged freehold, under a lease for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same, or by virtue of any freehold estate of which he shall not be *bonâ fide* seised, then and in any or either of such cases, the returning officer or officers shall reject the vote of the person so tendering such vote, or so offering to poll at such election.

Circumstances under which votes tendered by persons claiming to be freemen, may be rejected.

s. 55. And be it further enacted, That if at any election for a member or members for any county of a city or county of a town in *Ireland*, it shall appear to the returning officer or officers, that any person tendering his vote or offering to poll at such election, has personated any freeman for the purpose of polling at such election, or that such person is not a freeman, or (unless the freedom of such person shall have come to him by service, birth-right, or marriage,) that he has not been admitted to his freedom, or that his freedom has not been granted to him six months at the least before the teste of the writ for holding such election, then and in any or either of such cases such returning officer or officers shall reject the vote of the person so tendering such vote, or offering to poll at such election.

Improper votes to be taken off the poll by the returning officer on complaint of candidate before the final closing of the poll.

s. 56. And be it further enacted, That if any person shall be admitted to poll at any election for a member to serve in parliament for a county of a city or county of a town, who has polled before at such election, or who has personated another elector for the purpose of polling at such election, or who has polled by virtue of a forged certificate of registry, or who has polled by virtue of a registry of an alleged freehold under a lease of land or tenements for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein; or by virtue of a registry of an alleged freehold under a lease of land or tenements for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same; or by virtue of any freehold estate of which he shall not be *bonâ fide* seised; it shall and may be lawful for the returning officer or officers, and they are hereby required, authorized, and empowered, upon the complaint of any candidate, to take the vote of such person off the poll at any time before the final closing

Affidavit to be sworn to, and witnesses examined on oath as to the complaint.

of the same; Provided always, that the act complained of as having been committed by such person be set forth and described, and positively declared to have been committed by such person in an affidavit to be sworn before a justice of the peace, and that such affidavit be delivered to the returning officer or officers; and further, that the act complained of shall appear to the returning officer or officers, upon a due examination of one or more credible witness or witnesses concerning the same, upon his or their oaths, to be proved to have been committed by such person, which oath or oaths the returning officer or officers is or are hereby authorized and empowered to administer; provided always, that the affidavit setting forth every such complaint shall be delivered to the returning officer or officers on the same day on which the act complained of shall have been committed.

Returning officer only to examine voters objected to.

s. 57. And be it further enacted, That it shall not be lawful for any other person whatever, other than the returning officer or officers, or his or their assessor, to ask any question of any person who shall be examined by the returning officer or officers, or his or their assessor, on account of his vote, or the vote of any other person or persons, having been objected to, but that it shall and may be lawful to and for the returning officer or officers, or his or their assessor or assessors, at the discretion of such returning officer or officers, or his or their assessor only, to permit a barrister or barristers to argue any question of law before him or them.

Restraining persons from speaking during the time of polling.

s. 58. And be it further enacted, That it shall not be lawful for any person, whether barrister, attorney, inspector, agent, candidate or elector, or any other person whatsoever, to plead or speak in any place of polling during the hours appointed for polling under this act, or any matter or thing whatsoever.

Returning officer may commit persons obstructing the poll.

s. 59. And be it further enacted, That it shall and may be lawful to and for the returning officer or officers, or his or their deputy or deputies, at any election, and he and they is and are hereby authorized and empowered to commit all persons to gaol, without bail or mainprize, who shall plead or speak on any matter or thing contrary to the provisions of this act, or who shall be found rioting or interrupting the poll, or wilfully preventing the approach of electors to the place of polling, or who shall be guilty of a contempt to such returning officer or officers, or to such deputy or deputies; provided that the time of such imprisonment shall not in any case exceed twenty-four hours.

Deputies shall not reject votes or examine voters except as before provided.

s. 60. And be it further enacted, That it shall not be lawful for any deputy of any returning officer to put any questions to any person tendering his vote, or offering to poll at any election for a member to serve in parliament for a county of a city or a county of a town, save and except those questions hereinbefore directed to be put, or to make any comments or observations on the answers which may be given to the same, or on any matter or thing relating to any vote which may be tendered before him; and that if any objection be made to any vote at

any election for a county of a city or a county of a town, or other place, such objection shall be forthwith referred by the returning officer's deputy as hereinbefore directed, to the returning officer; and that it shall not be lawful for any such deputy to investigate the right of any person to vote further or otherwise than as herein-before directed, or to reject the vote of any person, without reference to the returning officer.

Instructions to be observed by deputies.

s. 61. And be it further enacted, That every returning officer shall give such instructions in writing to his deputy or deputies appointed for taking the poll at any election, as may be necessary to point out to him or them what is required of him or them to be done in respect of the objections to votes which may be made, and in respect of the manner of transmitting them to such returning officer or officers, and in respect of the due performance of his or their duty as such deputy or deputies, and that every such deputy shall obey such instructions as shall be so given by such returning officer or officers.

Deputy to close and give up his poll book each day to officer, who shall sum up the number. 50*l.* penalty on deputy refusing to deliver poll book, or polling after directed to stop, or before directed to begin, and votes not allowed.

s. 62. And be it further enacted, That every deputy shall upon notice given to him by the returning officer, each day close his poll-book, and deliver in the same immediately to such officer, who shall sum up thereupon the number of votes polled on such day for each candidate, to be read aloud in open court; and if any deputy shall refuse to deliver his poll-book when required by the returning officer, or shall continue to take the poll after he shall have been directed by him to stop, and, before he shall be again directed by him to proceed, or after his deputation shall be revoked, he shall forfeit the sum of fifty pounds, to any person who shall sue for the same, to be recovered as hereinafter directed; and every vote admitted by him after such refusal or direction to stop, or revocation, shall be void, and the person who offered such vote shall not be deemed to have voted, and is hereby declared not to have voted or to have been polled at such election.

Deputy sheriffs and officers neglecting their duty at election, shall lose their compensation.

s. 63. And be it further enacted, That any deputy sheriff, poll-clerk, clerk of the peace, deputy clerk of the peace, assistant deputy clerk of the peace, deputy town-clerk, or other officer, interpreter, constable, bailiff, or peace-officer, who shall absent himself from the duty of his office at any election of a member or members to serve in parliament for any county of a city or county of a town, during any part of the time that the poll shall be kept open on each day, shall forfeit all compensation for his attendance during such election; and that the returning officer or officers is and are hereby authorized and required, in case of the absence, neglect, misconduct, or insufficiency of any such person or persons, immediately to remove any such person or persons, and to appoint a person or persons to fill his or their place or places.

Appointing the hours for commencing and ending the poll each day.

s. 64. And be it further enacted, That the returning officer or officers, at every election for a member to serve in parliament for any county of a city or county of a town, shall cause the poll to be kept open in every place, and on every day of polling, from ten of the clock in the morning, except on the

first day of polling, until five of the clock in the afternoon, except on the last day of polling, between the fifteenth day of April and the fifteenth day of September, and from ten of the clock in the morning, except on the first day of polling, until four of the clock in the afternoon, except on the last day of polling, between the fifteenth day of September and the fifteenth day of April; and that in case any disputed question, or any objections to votes referred to him or them by his or their deputy or deputies shall not be decided during the time for which the poll shall be so kept open, the returning officer or officers shall give his or their attendance in his or their booth or other place of sitting, and proceed to decide the same after the polling shall have ceased, or before the polling shall have commenced on any day or days of polling, except the last day of polling.

After the 4th day returning officer may close any booth when 20 have not polled in the day.

s. 65. And be it further enacted, That it shall and may be lawful for the returning officer or officers, at any election for a member to serve in parliament for every county of a city or county of a town, and he and they is and are hereby required, on any day after the fourth day of polling, computing therein the day on which the poll shall be commenced, to close finally the poll in any booth or place of polling in which no more than twenty persons have polled, or been referred for decision to the returning officer or officers, during that day; provided always, that in case it shall appear, upon the evidence of two or more credible witnesses taken upon oath (and which oath the returning officer or officers is and are hereby empowered to administer), to the returning officer or officers, that any person intending to offer themselves to poll in such booth or place of polling have been prevented by force and violence from coming to the same for the purpose of polling on that day, that then and in every such case it shall be lawful to and for the returning officer or officers to keep such booths or place of polling open for another day, and so on from day to day if such force and violence be repeated, and be found to have taken place on such evidence as aforesaid, to the satisfaction of the returning officer or officers.

But booths for polling may be kept open if persons be prevented by force from coming to the same.

Returning officer may summon constables, bailiffs, &c. to attend elections.

s, 66. And be it further enacted, That at any election of a member to serve in parliament for any county of a city or county of a town, it shall be lawful to and for the returning officer or officers to summon all constables, bailiffs, and other peace-officers to attend the places of polling, and to keep the peace at such election, and to perform such other things as shall be assigned to him by the returning officer or officers, and to appoint any number of special constables that he or they may think proper to aid and assist therein; and that every constable, bailiff, or peace-officer, when so summoned, who shall neglect to attend during the whole of such election, or to obey the lawful commands of the returning officer or officers, shall forfeit such office of constable, bailiff, or other peace-officer, and all salary due to him in respect thereof.

In case of death

s. 67. And be it further enacted, That in case of the death or

the severe illness of any returning officer, during the continuance of the poll at any election for a county of a city or county of a town, it shall and may be lawful for the other returning officer, if there be two such returning officers, or for the first sworn deputy, if there be but one returning officer, or being two returning officers, in case of the death or severe illness of both such returning officers, is hereby required, under the penalty of forfeiting five hundred pounds, and such other returning officer or such sworn deputy, as the case may be, to any person who shall sue for the same, to proceed with the poll, and to act in every respect for all the purposes of the election, and with all the power and authority to do any act required by law to be done by a returning officer at any such election, as if he had been originally the returning officer; and that such deputy shall take the oath directed by law to be taken by the returning officer at the commencement of the poll, which oath any two justices of the peace are hereby authorized to administer, and that such other returning officer, or deputy, shall proceed with the poll, and finally close the same at the time hereinbefore required, and make a return of the person or persons who hath or have the majority of votes, unless his authority shall be superseded by the recovery of the returning officer; and that in case of the death or severe illness of such first sworn deputy, the next deputy in succession shall act as the returning officer, subject to the like penalty, and with the same powers, and take the returning officer's oath in manner aforesaid, and so on, each deputy in succession shall in like manner act as the returning officer, in case of the death or severe illness of the acting returning officer, and another deputy, or other deputies, shall be appointed in lieu of the deputy or deputies who may thus take the place of such returning officer or officers: Provided always, that the deputy, who shall thus take the place of such returning officer, shall be entitled to the same remuneration for his services at such election as if he had continued to act as deputy.

or illness of returning officer, the first sworn deputy shall perform the duty.

In case the first sworn deputy should not be able to act, then the deputies in succession shall perform the duty.

s. 68. And be it further enacted, That no returning officer or officers for any county of a city or county of a town, shall, upon any pretence whatsoever, return more than the number of persons they or he shall, by the writ or precept, be required to return; and that, in case of an equality of voices for any two or more candidates, where two sheriffs or other returning officers shall preside, upon the close of the poll, the sheriff or other returning officer, whose name shall stand first in the appointment to the office, shall, if he be present, give a casting voice; and if he be not present, the junior sheriff or returning officer shall give such casting voice, whether such sheriffs or other returning officers shall be otherwise legally qualified to vote or not, or whether they shall have voted or not at such election; and if any returning officer or officers shall return more than the number of persons, who shall by the writ or precept be directed to be returned, such returning officer or officers shall forfeit the sum of two thousand pounds to the

No more to be returned than required by the writ.

Officer to have casting voice.

Officer to forfeit 2,000*l.* if he returns more the number directed, and to

be incapable of voting.

person who shall first sue for the same, to be recovered as hereinafter directed; and such returning officer or officers shall be rendered incapable of ever after voting at any election for a member or members to serve in parliament.

Returning officer or deputy causing unnecessary delay to forfeit 500*l.*

s. 69. And be it further enacted, That if any returning officer or officers, or any deputy, who shall be appointed pursuant to this act, shall unnecessarily and wilfully protract the poll, or be guilty of any wilful and unnecessary delay in taking the same, every such returning officer or officers and every such deputy so offending shall forfeit the sum of 500*l.* to any person who shall sue for the same, to be recovered as hereinafter directed.

Rioting not to be an excuse for closing the poll.

s. 70. And be it further enacted, That if any person or persons shall violently, riotously, or outrageously disturb or interrupt any election, or the proceedings of the poll, such disturbance, riot, or misbehaviour, shall not be any excuse to the returning officer or officers, nor afford him or them any pretence for closing the poll, or making a return: but the court shall thereupon be adjourned for some convenient time, as the occasion may require; and, if necessary, shall be further continued by adjournment from time to time, until such disturbance shall have ceased, when such returning officer shall again proceed in taking the poll; and every person who shall be, by due course of law, convicted of having violently, riotously, or outrageously disturbed the court, or otherwise misbehaved, so as forcibly to interrupt the proceedings of the poll, or of having wilfully effaced, obliterated, torn, altered, or destroyed the whole or any part of the poll-books of the returning officer or officers, or any deputy, whereon any thing relative to the said election shall have been entered, or of having forcibly or fraudulently taken or secreted the same, or any part thereof, or the writ or precept for holding such election, shall be adjudged guilty of felony, and be transported for seven years.

Persons rioting or injuring poll book, &c. to be transported for seven years.

Return writ to contain certificate of numbers who voted for respective candidates.

s. 71. And be it further enacted, That in every case in which a poll shall take place at any election for any county of a city or county of a town in *Ireland*, the returning officer shall certify in his return to the writ for holding such election the names of the candidates, and the numbers who voted for each candidate, as it appeared at the final close of the poll, and such certificate shall be admitted as evidence of the truth of the facts therein certified, unless disproved by contrary evidence.

When writs of election are to be returned.

s. 72. And be it further enacted, That in case of a general election, the returning officer or officers, who shall receive any writ for the election of any member or members to serve in parliament for any county of a city or county of a town shall make due return of such writ to the clerk of the crown, on or before the day on which such writ shall be returnable, and that in all cases where such writ shall be issued during a session or prorogation of parliament, the return shall be made of such writ to the clerk of the crown, within forty days after the

teste thereof; and all and every such returning officer or officers as shall make default therein shall forfeit to any person who shall sue for the same the sum of 100*l.* for each day such default shall be made, to be recovered in manner hereinafter mentioned. Penalty 100*l.*

s. 73. And be it further enacted, That no fee, gratuity, or reward whatsoever shall be given, paid, received, or taken, by any sheriff or returning officer or officers of any county of a city or county of a town, for making out, or for the delivery, return or execution of any writ or precept, for the electing a member or members to serve in parliament; and that all contracts, promises, bonds, and securities to be made or given to any sheriff, or other returning officer or officers, for making a return of any member to serve in parliament, or to pay such sheriff, or returning officer or officers any sum or sums of money, by way of gratuity or reward for making such return, or otherwise in respect thereof, shall be and are hereby declared to be null and void; and whosoever shall make, give, or accept of such contract, promise, bond, or other security, or any gift or reward to procure any false return, shall forfeit a sum equal to the value given or intended to be given, or accepted in such contract, promise, or other security, gift or reward; and also the further sum of 200*l.* to any person who shall first sue for the same, to be recovered as hereinafter directed. No fee or reward to returning officer; contracts for making a return shall be void. Persons giving or accepting such, forfeit the amount and 200*l.*

s. 74. And be it further enacted, That every election or return of any persons to serve in parliament for any county of a city or county of a town, who shall be under the age of twenty-one years, shall be deemed null and void; and that if it shall be determined by any committee of the house of commons, who shall try any petition against any such election or return, that such person was under the age of twenty-one years on the day of such election, a new writ shall forthwith issue for the election of another person in his place. Election of persons under 21 years shall be void, and new writs issued.

s. 75. And be it further enacted, That every returning officer who shall be by due course of law convicted of having acted corruptly or partially in the execution of his duty as returning officer at any election of a member or members to serve in parliament for any county of a city or county of a town, shall be adjudged guilty of high misdemeanor, and shall be imprisoned for a period not exceeding three years; and such person so convicted is hereby declared to be for ever incapable of holding any office or situation, civil or military, under the crown. Punishment of officers returning corruptly or partially.

s. 76. And be it further enacted, That in every case in which a poll shall take place as aforesaid, the returning officer shall, within twenty-one days of the final close of such poll, deliver all the poll-books of such election to the clerk of the peace for such county of a city or county of a town, verifying upon oath (which oath any justice of the peace for such county, county of a city, county of a town, or place is hereby empowered to administer,) that the poll-books which he deli- Poll books to be delivered to the clerk of the peace to be kept among the records of the county.

vers in are the original poll-books of such election upon which the return was founded; and that from the final close of the poll to the time he delivers in the same there has not been any obliteration, erasure, addition, or alteration made therein, and such poll-books shall be carefully kept amongst the records of such county of a city or county of a town; and the production of such poll-books by such clerk of the peace or officer, or his deputy, shall be deemed sufficient evidence of the authenticity thereof, unless the same shall be disproved.

Account of sums received by sheriffs for expenses of election to be returned with the poll books to clerk of the peace.

s. 77. And be it further enacted, That the sheriffs or other returning officers of every county of a city or county of a town shall, at the same time that they shall return the poll-books used at every election for such county of a city or county of a town to the clerk of the peace, as hereinbefore directed, return therewith an account of the sums received for the expenses of such election from the several candidates, and the application thereof, and shall verify the same on oath, which oath any justice or justices of the peace is and are hereby authorised to administer.

Clerk of the peace to take an oath for the performance of his duty.

s. 78. And for the better securing the performance of the duties directed to be performed by the clerk of the peace or his deputy, in respect to the registry of freeholds, be it further enacted, That the several clerks of the peace, or their deputies, of the several counties of cities and counties of towns of *Ireland*, shall, at the general quarter sessions of the peace or adjournment thereof next after the passing of this act, or at the next general quarter sessions of the peace or adjournment thereof next after his appointment, take and subscribe an oath in the form following, and which oath the justices presiding at the said session are hereby directed and empowered to administer:

Oath.

'I, *A. B.*, clerk or deputy clerk of the peace for the county of [as the case may be], do swear, that I will faithfully and honestly, and without favour or affection, perform and discharge the several duties directed to be performed by the clerks and deputy clerks of the peace, by an act passed in the third year year of his present majesty's reign, intituled [here set forth the title of this act]; and that I will not demand or receive any fee or fees for discharging any of the said duties which I am not entitled to by law.

'So help me God.'

And which the said clerks and deputy clerks of the peace are hereby required to deliver to the treasurer of the county or county of the town (as the case may be) to be preserved amongst the records of the county.

Entertainments, presents, cockades, promises, &c. disallowed.

s. 79. And be it further enacted, That no person to be hereafter elected to serve in parliament for any county of a city or county of a town shall, after the teste of the writ of summons to parliament, or after the vacancy shall have happened to supply which the election shall be held, by himself, his friends, or agents, or any person or persons employed in

his behalf, directly or indirectly, give, present, or allow to any person or persons, having a vote or votes in such election, any money, meat, drink, entertainment, or provision, cockades, ribbands, or any other mark of distinction, or make any present, gift, reward, or entertainment, or shall at any time hereafter make any promise, agreement, obligation, or engagement, or give or allow any money, meat, drink, provision, present, entertainment, or reward to or for any such person or persons in particular, or to any such county of a city or county of a town in general, or to or for the use, advantage, benefit, employment, profit, or preferment of any such person or persons, place, or places, in order to be elected or for being elected to serve in parliament for such county of a city or county of a town; and that every person and persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be and is and are hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county of a city or county of a town.

Persons having freeholds under 20*l.* value to vote though not residing thereon.

s. 80. And whereas it is expedient that persons having freeholds under the yearly value of 20*l.*, and subject only to quit or crown rent, or arising from fee-farm grants, or under a lease or leases for ever, or for lives renewable for ever, should have the power of voting at elections for members of parliament, although they should not reside thereon, or occupy such freeholds by tilling or grazing to the amount of 40*s.* yearly value thereof; be it enacted, That it shall and may be lawful for persons having freeholds under 20*l.* yearly value, not consisting of a rent-charge, and liable only to crown or quit rent, to register the same in like manner as is provided by this act for persons having freeholds of the yearly value of 20*l.*; and that such person so registering his freehold shall insert in the oath of registry the words 'forty shillings' instead of the words 'twenty pounds' or 'fifty pounds,' and shall add the following words: 'and that the said freehold does not consist of a rent-charge, and that it is liable to no rent except quit or crown rent, or that it arises from fee-farm grant, or that I hold it under a lease or leases for ever, or under a lease or leases for lives renewable for ever (as the case may be);' and that every person who shall offer to vote by virtue of a freehold under the value of 20*l.*, and holding the same subject only to quit or crown rent, shall make the same affirmations, and take the same oaths, and answer the same questions, if required, as are now provided for persons having freeholds of the value of 20*l.*: Provided always, that such persons shall in such oaths make the several alterations and additions as are herein set forth in the oath of registry for such persons.

Persons who ask or receive any reward for themselves or others, or who influence others for re-

s. 81. And be it further enacted, That if any person who shall have or claim to have any right to vote in any election of a member or members of parliament for any county of a city or county of a town, shall directly or indirectly ask,

ward, &c. forfeit 500*l.*

receive, or take any money or other reward by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, to give his vote, or to abstain from giving his vote in any such election, or if any person, by himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise and agreement or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall for such offence forfeit the sum of 500*l.* sterling, to the person who shall first sue for the same, to be recovered as hereinafter directed; and every person offending in any of the cases aforesaid, from and after judgment obtained against him in any action or information grounded on this act, shall for ever be disabled to vote in any election of any member or members to serve in parliament; and also shall be for ever disabled to hold, exercise, or enjoy any office or franchise to which he or they then shall, or at any time afterwards may be entitled, as member of any city, borough, or town corporate, as if such person was naturally dead.

Persons polling twice, or personating voters, may be punished by two years imprisonment.

s. 82. And be it further enacted that every person who shall poll a second time, or offer to poll a second time at the same election, for any county of a city or county of a town, or who shall personate any other person for the purpose of polling at such election shall be guilty of a misdemeanor, and upon being thereof convicted shall be imprisoned for any term not more than two years, at the discretion of the judge or judges who shall try such person.

Penalty on fraudulent voters, 20*l.*

s. 83. And be it further enacted, That if any person shall vote at any election, by virtue of a registry of an alleged freehold under a lease for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein, or under a lease for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same, or under a lease for a life or lives, or a certain number of years, which life or lives is or are dead, or under a lease for a life or lives, which lease has expired or been surrendered, after due notice not to vote by virtue of any such registry, shall have been given to such person by any candidate, or by an inspector of any candidate, and which notice every candidate and inspector is hereby authorised and empowered to give to such person at any time before or during such election, or in the place of polling, such person, on being convicted thereof, shall forfeit to any person who shall sue for the same sum of 20*l.*, to be recovered by him or them, with treble costs of suit, by proceeding in the nature of a civil bill at any general quarter sessions of the peace that may be held for the county of the city or county of the town in which such election shall have taken place, or by action of debt in any of his majesty's courts of record in *Ireland*.

Persons voting

s. 84. And be it further enacted, That if any person shall

poll at any election by virtue of a freehold which he had registered, and of which he shall not be in possession at the time of his polling, he shall (if thereof convicted) be imprisoned in the common gaol of the county for the space of six calendar months. from freehold of which he is not in possession, to be imprisoned six months.

s. 85. And be it further enacted, That if any person who shall take any oath or affirmation hereby appointed or authorised to be taken, shall wilfully swear or affirm falsely therein, he shall be guilty of wilful and corrupt perjury, or false affirming, and shall and may be prosecuted for the same as persons may be now prosecuted who are guilty of wilful and corrupt perjury, and being thereof convicted, he shall incur and suffer the pains and penalties which by law are or may be inflicted in cases of wilful and corrupt perjury, and shall be for ever incapable of giving a vote at any election of a member to serve in parliament; and if any person shall wilfully and corruptly proceed or suborn any other person or persons to take any such oath or affirmation, whereby such person or persons shall commit wilful perjury or false affirming, and shall be thereof convicted, such person so offending shall incur such pains and penalties as are inflicted by any act or acts for the more effectual preventing and punishing of subornation of perjury, and such person or persons shall for ever be incapable of giving any vote at any election of a member to serve in parliament. Perjury.

s. 86. And be it further enacted, That all pecuniary penalties inflicted by this act shall be recovered with full costs by action of debt, bill, plaint or information, in any of his majesty's courts of record in *Dublin*, and that it shall be sufficient for the plaintiff in any such action of debt or information to set forth in the declaration that the defendant is indebted to him in the sum of 500*l.*, and to allege the particular offence for which such action or information is brought, and that the defendant hath therein acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and that it shall be sufficient in any indictment for any offence contrary to this act, to allege the particular offence, and that the defendant is guilty, without mentioning the writ of summons to parliament, or the return thereof; and that upon trial of any issue in any such action, information, or indictment, the plaintiff, informer, or prosecutor shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant to the sheriff grounded upon such writ of summons. Mode of recovering penalties.

s. 87. And be it further enacted, That in case the plaintiff or informer in any action or information given by this act, shall discontinue, or be nonsuited, a judgment shall be given against him, the defendant shall recover treble costs: Provided always, that every action, information, indictment, or prosecution, grounded upon this act, be commenced within one year after the offence shall be committed; and provided also, that in any action or suit brought against any person or per- Treble costs if nonsuited. Action to be commenced within one year. General issue may be pleaded.

sons, for any thing done in pursuance of this act, or in relation to the matters therein contained, the defendant or defendants shall or may, at his or their election, plead specially or the general issue, and give this act and the special matter in evidence at any trial, and that the same was done in pursuance and under the authority of this act; and in case the jury shall find a verdict for the defendant or defendants, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, or upon any demurrer, judgment shall be given against the plaintiff or plaintiffs, then and in every such case the defendant or defendants shall recover double costs, and have such remedy for recovering the same as any defendants hath or have in other cases by law.

Double costs.

No. 171.—6 Geo. IV. c. 79.

An Act to provide for the Assimilation of the Currency and Monies of Account throughout the United Kingdom of Great Britain *and* Ireland. 27*th June*, 1825.

Not to affect the real value in gold or silver coin of the public revenues, or of any sums in acts of parliament.

s. 4. Provided always, and be it declared and enacted, That this act, or any thing therein contained, shall not be deemed or held to increase or decrease or alter the quantity of gold or silver coin to be paid or payable in discharge of, or in any way in reference to, any public revenue or debt, or in discharge of or in reference to any sum or sums of money contained or mentioned in any act or acts of parliament in force at any time prior to the commencement of this act; nor in any manner to affect or take away any franchise, right, benefit, privilege, or advantage, resulting from the possession of any lands, tenements, rents, or property, of the value mentioned in any act or acts of parliament; nor to increase or decrease or alter the quantity of gold or silver coin, to be paid or payable in discharge of or in reference to any sum or sums of money due or payable at the time of the passing of this act, or which may become due or payable at any time after the commencement of this act, under the authority or by virtue of any usage or custom which shall be in force prior to the commencement of this act; nor to increase or decrease or alter the quantity of gold or silver coin to be paid in discharge of or in reference to any sum or sums of money contained or mentioned in any law or bye-law of any corporation or other public body, or payable under any authority whatsoever, at any time before the commencement of this act.

No. 172.—7 GEO. IV. c. 21.

An Act for the better regulating Proceedings on Writs of Mandamus, in Ireland.

5th May, 1826.

WHEREAS by an act passed in the parliament of *Ireland*, in the nineteenth year of the reign of king *George* the Second, entituled *An act for the better regulating of corporations*, it is, amongst other things enacted, that as often as auy writ of mandamus shall issue out of the court of king's bench, and a return shall be made thereto, it shall and may be lawful to and for the person or persons sueing or prosecuting such writ of mandamus to plead to or traverse all or any of the material facts contained within the said return; whereupon such subsequent proceedings may be taken as are in and by the said act directed: and whereas from the delays which occur in such proceedings, persons are often unreasonably obstructed in the establishment of their rights: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, whenever any writ of mandamus shall issue for the admission or restoration of any person to any office, place, situation or benefit to which he may be admitted, without the removal or displacing of any other person, and a return shall be made to such writ of mandamus, and the person suing or prosecuting such writ of mandamus, shall plead to or shall traverse all or any of the facts of such return, as directed by the said recited act, then and in every such case it shall and may be lawful to and for every or any such person to apply to the court by petition, praying that he may be forthwith admitted to such office, place, situation or benefit, notwithstanding such return, and pending the proceedings which may be had thereon under the said recited act; and thereupon it shall and may be lawful for the court to appoint a time for the hearing of such petition, and to direct that such notice of such petition, and of the time appointed for hearing the same, shall be given as such court shall think proper, to the person or persons or body or bodies politic or corporate, making such return, and to such other persons as such court shall deem proper and fitting; and upon affidavit of the due service of such notice, it shall be lawful for the said court to proceed, at the time appointed, to hear the matter of snch petition, and of any answer or answers thereto, in a summary way, upon such affidavits or other documents as shall be laid before the said court, and thereupon to ascertain and declare whether the person or persons so suing or prosecuting such mandamus has or have reasonable grounds to entitle such person or persons to the relief sought by such mandamus, and to make any such rule or order or rules or orders thereon, for

19 *Geo.* 2. (I.)

On return to any mandamus, where the party can be admitted to office without removal of any other person, he may apply to the court by petition to be admitted forthwith; and the court may make order accordingly.

granting or refusing the prayer of such petition, and for admitting or for the delaying the admission of such person or persons to the office, place, situation, or benefit, which shall be the subject of such application, and also for costs, in such manner as such court shall think proper, and to enforce obedience to any and every such rule or order, as to other rules or orders of the court.

Court may direct the payment of costs.

s. 2. And be it further enacted, That if it shall appear to the court that any person so applying, and for whose admission to any office, place, situation, or benefit, any rule or order of such court shall be made, under the provisions of this act, did apply to the mayor, or other officer or officers, or person or persons, in any city, town corporate, borough, or corporation, having authority to admit to the office, place, situation, or benefit in question, and did give notice in writing specifying the nature of his claim and of his intention, if not admitted, to apply to the court of king's bench for a writ of mandamus, pursuant to the provisions contained in an act passed in the parliament of *Ireland*, in the thirty third year of the reign of his late majesty king *George* the Third, intituled, *An act for giving relief in proceedings upon writs of mandamus for the admission of freemen into corporations*: and that such mayor or other officer or person, did, after such notice, refuse or neglect to admit such person so applying, it shall and may be lawful for the court, if they shall see no just cause to the contrary, to direct that such person shall receive from such mayor, or other officer or person who neglected or refused to grant such admission, all costs to which such person so applying shall have been put, in applying for, obtaining, and serving such writ of mandamus, and in enforcing the same, together with the costs of applying for, obtaining, serving, and enforcing any such rule or order of the court under this act; and if any such rule or order made under the authority of this act shall not be obeyed, then the same shall be enforced in such manner as any other rule or order made by the said court can or may be enforced by law.

33 *Geo.* 3. (I.)

Such order subject to alteration, but shall be valid until altered by judgment.

s. 3. Provided always, and be it enacted, That every rule or order of such court so made, shall be subject to be varied, altered, or annulled, by or under or in execution of any judgment which shall or may be given in, upon, or under such writ of mandamus, or such plea or traverse thereto; but every such rule or order shall be and remain good, valid, and effectual according to the terms thereof, so long and so far as the same shall stand and remain not varied, altered, or annulled as aforesaid.

No. 173.—7, 8 GEO. IV. c. 37.

An Act to make further Regulations for preventing corrupt Practices at Elections of Members to serve in Parliament, and for diminishing the Expense of such Elections.

21*st June*, 1827.

WHEREAS it is expedient to make further regulations for preventing corrupt practices at elections of members to serve in parliament, and for diminishing the expense of such elections: Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July one thousand eight hundred and twenty-seven, if any person shall, either during any election of a member or members to serve in parliament for any county, county of a city, county of a town, city, borough, cinque port, or other place, or within six calendar months previous to such election, or within fourteen days after it shall have been completed, be employed at such election as counsel, agent, attorney, poll-clerk, flagman, or in any other capacity, for the purposes of such election, and shall at any time, either before, during, or after such election, accept or take from any such candidate or candidates, or from any person whatsoever, for or in consideration of or with reference to such employment, any sum or sums of money, retaining fee, office, place, or employment, or any promise or security for any sum or sums of money, retaining fee, office, place, or employment, such person shall be deemed incapable of voting at such election, and his vote if given shall be utterly void and of none effect.

Persons employed by candidates at elections to be disqualified from voting.

s. 2. And be it further enacted, That no person to be hereafter elected to serve in parliament shall, after the teste of the writ of summons, or after such place becomes vacant in time of parliament, before his election, by himself or agent, directly or indirectly, give or allow to any person having a vote at such election, or to any inhabitant of the county, city, town, borough, port, or place, any cockade, ribbon, or other mark of distinction.

Cockades and ribbons not to be given by candidates.

s. 3. And be it further enacted, That any person so giving or allowing, shall for every such offence forfeit the sum of ten pounds to such person as shall sue for the same, to be sued for and recovered in any of his majesty's courts of record, by action of debt, bill, plaint, or information, wherein no essoign, protection, privilege, wager of law, or more than one imparlance may be allowed.

Penalty on persons giving or allowing ribbons or cockades.

s. 4. And be it further enacted, That nothing in this act contained shall extend or be construed to extend to that part of the united kingdom called *Scotland*.

Act not to extend to *Scotland*.

s. 5. And be it further enacted, That no person having a right to vote at the election for any county, county of a city,

Voters exempt from serving as

constables during elections.

county of a town, city, borough, cinque port, or other place, shall be liable or compelled to serve as a special constable at or during any election for members to serve in parliament for such county, county of a city, county of a town, city, borough, cinque port, or other place, unless he shall consent so to act; and that he shall not be liable to any fine, penalty, or punishment whatever, for refusing so to act; any statute, law, or usage to the contrary notwithstanding,

No. 174.—7, 8 Geo. IV. c. 53.

An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain *and* Ireland. 2*d July*, 1827.

No member of the house of commons to be a commissioner or officer of excise.

s. 8. And be it further enacted, That no person being a member of the commons house of parliament shall, during the time of his being such member of parliament, be capable of being a commissioner or assistant commissioner of excise, or commissioner of appeal under this act, or of being an officer of excise, or person employed in the charging, collecting, or managing of any part of the revenue of excise, or in comptrolling or auditing the accounts thereof, nor shall be capable of taking, holding, or executing, or being in any manner concerned in executing, either by himself or deputy, or by any other person or persons in trust for him, or for his use and benefit, any such office or employment; and if any person shall, during the time of his being a member of the commons house of parliament, at any time take, hold, or execute, or be in any manner concerned in executing, either by himself or deputy, or by any other person or persons in trust for him, or for his use and benefit, any such office or employment as aforesaid, such person shall be and is hereby declared to be incapable of sitting, voting, or acting in any manner as a member of the commons house of parliament in such parliament.

No officer to vote or interfere in elections for members of parliament, under a penalty of 500*l.* and of being rendered incapable of holding any office.

s. 9. And be it further enacted, That no commissioner or assistant commissioner of excise, or commissioner of appeal under this act, or any officer of excise, or person employed in the charging, collecting, or managing of any part of the revenue of excise, or in comptrolling or auditing the accounts thereof, shall be capable of giving his vote for the election of any person to serve in parliament; and if any commissioner, or assistant commissioner, or commissioner of appeal, or any officer or other person, hereby made incapable of voting as aforesaid, shall nevertheless presume to give his vote during the time he shall hold, or within two calendar months next after he shall have ceased to hold or execute, any office or employment as aforesaid, such vote so given shall be held null and void to all intents and purposes whatsoever; and every such commissioner, assistant commissioner, commissioner of appeal,

officer, and person as aforesaid, who shall give any such vote, or who shall by word, message, or writing, or in any other manner whatsoever, endeavour to persuade any elector to give, or to persuade any elector from giving his vote for the election of any person to serve in parliament, shall for every such offence (the same being proved by two or more credible witnesses upon oath) forfeit and lose the sum of five hundred pounds, one moiety whereof shall be paid to the informer, and the other moiety thereof to the poor of the parish in which such offence shall have been committed and such penalty incurred; and every such penalty shall and may be recovered by any person who shall, within twelve months next after such penalty shall have been incurred, inform or sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, *Edinburgh*, or *Dublin*, in which no essoign, protection, privilege, or wager of law, no more than one imparlance, shall be allowed; and every person convicted of any such offence shall be and is hereby declared to be incapable of ever holding or executing any office or place of trust whatsoever under his majesty, his heirs or successors: Provided always, that nothing herein contained shall extend, or be deemed or construed to extend, to repeal, or to alter any of the laws touching or in anywise relating to election in any part of the united kingdom, excepting so far as is hereby expressly provided.

No. 175.—7, 8 GEO. IV. c. 65.

An Act to explain and remove Doubts touching the Admiralty.
2*d July*, 1827.

Appointment of members of the council.

s. 4. And be it further enacted, That the members of the council of the Lord High Admiral shall, from and after the passing of this act, be appointed by his majesty, and be removable at his majesty's pleasure: Provided always, that no person holding the office of a member of the present council, being a member of the house of commons at the time of the passing of this act, shall vacate his seat by reason of being reappointed to the same under the provisons of this act, or of his being made removable from the said office at the pleasure of his majesty.

Proviso as to present members.

Members of the council not deemed to hold a new office.

s. 5. And be it further enacted, That the members of the council of the lord high admiral for the time being shall not be deemed and taken to have or hold any new offices or places of profit within the meaning of an act passed in the sixth year of the reign of her majesty queen *Anne*, intituled, *An act for the security of her majesty's person and government, and of the succession to the crown of* Great Britain *in the protestant line.*

No. 176.—9 Geo. IV. c. 22.

An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament. 22*d May*, 1828.

10 *Geo.* 3. *c.* 16.

" Whereas great benefit has been found to arise from the regulations of an act passed in the tenth year of the reign of his late majesty king *George* the third, intituled *An Act to regulate the trials of controverted elections or returns of members to serve in parliament:* and whereas several acts have subsequently been passed to amend and extend the same: and whereas it is expedient to consolidate, and in some respects to amend and simplify, the laws relating thereto; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

Repeal of 10 *Geo.* 3. *c.* 16.

and by the authority of the same, that the said act passed in the tenth year of the reign of his late majesty king *George* the third, intituled, *An Act to regulate the trials of controverted elections or returns of members to serve in parliament:*

11 *Geo.* 3. *c.* 42.

also an act passed in the eleventh year of the reign of his late majesty, intituled, *An Act to explain and amend an act made in the last session of parliament, intituled,* " *An Act to regulate the trials of controverted elections or returns of members to serve in parliament;*" also an act passed in the fourteenth

14 *Geo.* 3. *c.* 15.

year of the reign of his late majesty, intituled, *An Act for making perpetual two acts passed in the tenth and eleventh years of the reign of his present majesty, for regulating the trials of controverted elections or returns of members to serve in parliament;* also so much of an act passed in the twenty-fifth year of

Part of 25 *Geo.* 3. *c.* 84.

the reign of his late majesty, intituled, *An Act to limit the duration of polls and scrutinies, and for making other regulations touching the election of members to serve in parliament for places within* England *and* Wales, *and for* Berwick-upon-Tweed, *and also for removing difficulties which may arise from want of returns being made of members to serve in parliament,* as relates to the appointment of a select committee to take into consideration the petition of any person claiming to have had a right to vote, or to have been entitled to have been declared duly elected, where no return has been made to any writ issued for the electing of any member or members to serve in parliament, on or before the day on which such writ is made returnable, or within fifty-two days after the day on which such writ bears date, if such writ be issued during any session or prorogation of parliament, or where the return be not according to the requisition of the writ, but contains special matters only concerning the election; also to the notices to be given of the meeting of such committees, and to the manner in which the trials of such petitions are to be regulated, and the mode in which parties entitled to be returned

may proceed against any sheriff or returning officer, in case a select committee shall have determined that such sheriff or returning officer had wilfully delayed or neglected or refused to make such return; also an act passed in the twenty-eighth year of the reign of his late majesty, intituled, *An Act for the further regulation of the trials of controverted elections or returns of members to serve in parliament*, except in so far as the same relates to the repeal of so much of an act passed in the second year of the reign of his majesty king *George* the second, intituled, *An Act for the more effectual preventing bribery and corruption in the election of members to serve in parliament*, as enacts that such votes shall be deemed legal which have been so declared by the last determination in the house of commons, and that such last determination concerning any county, city, borough, or place, shall be final; also an act passed in the thirty-second year of the reign of his late majesty, intituled, *An Act to extend the provisions of certain acts of parliament made to regulate the trials of controverted elections or returns of members to serve in parliament*; also an act passed in the thirty-fourth year of the reign of his late majesty, intituled, *An Act to explain so much of an act made in the twenty-eighth year of his present majesty's reign, intituled, "An Act for the further regulation of the trials of controverted elections or returns of members to serve in parliament," as relates to the time of presenting certain renewed petitions, and taking the same into consideration;* also an act passed in the thirty-sixth year of the reign of his late majesty, intituled, *An Act for the more effectual execution of several acts of parliament, made for the trials of controverted elections or returns of members to serve in parliament;* also an act passed in the forty-second year of the reign of his late majesty, intituled, *An Act for the further regulation of the trials of controverted elections or returns of members to serve in parliament, and for expediting the proceedings relating thereto*; also an act passed in the forty-seventh year of the reign of his late majesty, intituled, *An Act to revive and make perpetual, and to amend, an act made in the forty-second year of his present majesty, for the further regulation of the trials of controverted elections or returns of members to serve in parliament, and for expediting the proceedings relating thereto*; also so much of an act passed in the forty-seventh year of the reign of his late majesty, intituled, *An Act to amend several acts for regulating the trial of controverted elections or returns of members to serve in parliament, so far as the same relate to* Ireland, as enacts that the order for taking into consideration any petition relative to the trial of any controverted election or return in *Ireland* shall not be discharged until the expiration of twenty-eight days after such petition shall have been presented to the house of commons, by reason that the recognizance required by an act made in the twenty-eighth year of his late majesty's reign, intituled, *An Act for the further regulation of the trials of controverted elections or returns of members to serve*

Part of 28 *Geo.* 3. *c.* 52.

32 *Geo.* 3. *c.* 1.

34 *Geo.* 3. *c.* 83.

36 *Geo.* 3. *c.* 59.

42 *Geo.* 3. *c.* 84.

47 *Geo.* 3. *c.* 1.

Part of 47 *Geo.* 3. *c.* 14.

in parliament, was not received by the speaker under the provisions of the said recited act; also an act passed in the fifty-third year of the reign of his late majesty, intituled, *An Act for amending and rendering more effectual the laws for the trials of controverted elections and returns of members to serve in parliament;* be hereby repealed.

53 *Geo.* 3. *c.* 71.

Upon complaint made to the house of commons of an undue election or return, or that no return has been made, a time to be fixed for considering thereof, and notice given.

s. 2. And be it enacted, That whenever a petition complaining of an undue election or return of a member or members to serve in parliament, (or complaining that no return has been made to any writ issued for the election of any member or members to serve in parliament on or before the day on which such writ is made returnable, or if such writ be issued during any session or prorogation of parliament, that no return has been made to the same within fifty-two days after the day on which such writ bears date, or that any return is not according to the requisition of the writ, or complaining of the special matters contained in such return,) shall be presented to the house of commons within such time as shall be from time to time limited by the house, a day and hour shall be appointed by the said house for taking the same into consideration, and notice thereof in writing shall be forthwith given by the speaker to all parties so petitioning, and to the sitting members; and to any parties who may have petitioned to be permitted to defend any such election or return, and where no return has been made, or the special matter of the return, or the conduct of any returning officer is complained of, to the returning officer or officers, accompanied with an order to the parties to attend the house at the time appointed, by themselves, their counsel, or agent.

House may alter the time, giving the like notice and order.

s. 3. And be it enacted, That the house may alter the day and hour so appointed for taking any such petition into consideration, and appoint some subsequent day and hour for the same, as occasion shall require, giving to the respective parties the like notice of such alteration, accompanied with an order to attend on such subsequent day and hour as aforesaid; and if within one hour after the time fixed in the manner hereinafter directed for calling in the respective parties, their counsel or agents, for the purpose of proceeding to the appointment of a select committee, the petitioner or petitioners, or some one or more of them who shall have signed any such petition, shall not appear, by himself or themselves, or by his or their counsel or agents, the order for taking such petition into consideration shall thereupon be discharged, and such petition shall not be any further proceeded upon.

If petitioners do not attend at the time required, the order to be discharged.

No petition to be proceeded upon, unless subscribed as herein mentioned.

s. 4. And be it enacted, That no such petition shall be proceeded upon, unless the same, at the time it is presented to the house, shall be subscribed by some person or persons claiming therein to have had a right to vote at the election to which the same shall relate, or to have had a right to be returned as duly elected thereat, or alleging himself or themselves to have been a candidate or candidates at such election, or claiming therein to have had a right to vote at the election of any dele-

gate or commissioner for choosing a burgess for any district of burghs in that part of *Great Britain* called *Scotland* to which the same shall relate.

Recognizances to be entered into by petitioners, and sureties, to pay costs.

s. 5. And be it enacted, That no proceeding shall be had upon any such petition, unless the person or persons subscribing the same, or some one or more of them, shall within fourteen days after the same shall have been presented to the house, or within such further time as shall be limited by the house, personally enter into a recognizance to our sovereign lord the king, according to the form hereunto annexed, in the sum of one thousand pounds, with two sufficient sureties in the sum of five hundred pounds each, or four sufficient sureties in the sum of two hundred and fifty pounds each, for the payment of all costs, expenses, and fees, which shall become due to any witness, summoned in behalf of the person or persons so subscribing such petition, or to any clerk or officer of the house, upon the trial of such petition, or to any party who shall appear before the house, or any committee of the house, in opposition to such petition, in case such person or persons shall fail to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration; or in case such petition shall be withdrawn by the permission of the house; or in case such committee shall report to the house, that such petition appears to them to be frivolous or vexatious; and if, at the expiration of the said fourteen days such recognizance shall not have been entered into, or shall not have been received by the speaker of the house of commons, or the time for entering into or receiving such recognizance shall not previously have been enlarged, the speaker shall report the same to the house, and the order for taking such petition into consideration shall thereupon be discharged, unless upon special report of the examiners into the sufficiency of the sureties, or upon matter specially stated and verified upon oath to the satisfaction of the house, the house shall see cause either to enlarge the time for entering into such recognizance, or to allow the names of any such sureties to be changed; and whenever such time shall be so enlarged, or name of any such surety shall be changed, the order for taking such petition into consideration shall, if necessary, be postponed, so that no such petition shall be taken into consideration till after such recognizance shall have been entered into and received by the speaker: Provided always, that the time for entering into such recognizance shall not be enlarged more than once, or for any number of days exceeding thirty, nor the name of any proposed surety be more than once changed.

Names of sureties to be delivered to the clerk of the house of commons.

s. 6. And be it enacted, That on the day when any such petition shall be presented, or on the next day at furthest, the petitioner or petitioners shall deliver or cause to be delivered, in writing, to the clerk of the house of commons, the names, together with the additions and usual places of residence, of the persons who are proposed to become such sureties, which names

shall be entered in a book to be kept by the said clerk in his office, open to the inspection of all parties concerned.

Recognizances to be entered into before the speaker, and the sufficiency of sureties to be allowed by him, on the report of the persons herein mentioned.

s. 7. And be it enacted, That the said recognizances shall be entered into before the speaker of the house of commons, who is hereby authorized and empowered to take the same; and the sufficiency of the sureties named therein shall be judged of and allowed by the said speaker, on the report of two persons appointed by him to examine the same, of which two persons the clerk or one of the clerks assistant of the house of commons shall always be one, and one of the following officers, not being a member of the said house, shall be the other: (that is to say) masters of the high court of chancery, clerks in the court of king's bench, prothonotaries in the court of common pleas, and clerks in the court of exchequer; and the said persons so appointed are hereby authorized and required to examine the same, and to report their judgment thereupon, and are also hereby authorized to demand and receive such fees for such examination and report as shall be from time to time fixed by any resolution of the house of commons: Provided always,

Seven days to be allowed before the sureties are examined.

that seven clear days at the least shall intervene between the day on which the names shall have been delivered in and entered in a book kept in the office of the clerk as aforesaid, and the day on which the sufficiency of the sureties shall be examined, as hereinbefore directed.

Parties or sureties living more than forty miles from *London* may enter into recognizances before a justice.

s. 8. And be it enacted, That if the party or parties who are to enter into such recognizance, or his or their sureties, or either of them, shall reside at a greater distance from *London* than forty miles, it shall and may be lawful for such party or surety respectively to enter into such recognizance before any of his majesty's justices of the peace; and his majesty's justices of the peace, or any of them, is and are hereby authorized and empowered to take the same; and such recognizance, being duly certified under the hand of such justice, and being transmitted to the speaker of the house of commons, shall have the same force and effect as if the same had been entered into before the said speaker: Provided also, that it shall and may be

Evidence as to sufficiency of sureties.

lawful for the persons to whom it is referred by the speaker to examine the sufficiency of the sureties, to receive in evidence in their said examination any affidavits relating thereto which shall be sworn before any such persons, or any master of the high court of chancery, or before any of his majesty's justices of the peace, who are hereby each of them respectively authorized to administer such oath, and to certify such affidavit under his hand.

In what cases petitions may be withdrawn.

s. 9. And be it enacted, That the house of commons shall not permit any such petition to be withdrawn, except so far as the same may relate to the election or return of any member who shall, since the same shall have been presented, have vacated his seat by death or in any other manner, or in consequence of some matter which shall have arisen since the same was presented, and which shall be specially stated and verified upon oath to the satisfaction of the house.

s. 10. And be it enacted, That it shall and may be lawful,

at any time within fourteen days after the day on which any such petition shall have been presented, for any person or persons claiming to have had a right to vote at the election, or at the election of delegates or commissioners for making such election, to which the same shall relate, to petition the house of commons, praying to be admitted as a party or parties to defend such return, or to oppose the prayer of such petition, and such person or persons shall thereupon be admitted as a party or parties, together with the sitting member, and shall be considered as such to all intents and purposes whatever.

Voters upon petition, may become a party to oppose or defend the return.

s. 11. And be it enacted, That if at any time before the day appointed for taking any such petition into consideration, the speaker of the house of commons shall be informed, by a certificate in writing subscribed by two of the members of the said house, of the death of any sitting member whose election or return is complained of in such petition, or of the death of any member returned upon a double return whose election or return is complained of in such petition, or that a writ of summons has been issued under the great seal of *Great Britain* to summon any such member to parliament as a peer of *Great Britain*; or if the house of commons shall have resolved that the seat of any such member is by law become vacant; or if the house of commons shall be informed, by a declaration in writing, subscribed by any such member, and delivered in at the table of the house within fourteen days after the day on which any such petition shall have been presented, that it is not the intention of such member to defend his election or return; in every such case notice thereof shall immediately be sent by the speaker to the sheriff or other returning officer for the county, city, borough, district of burghs, port, or place to which such petition shall relate; and such sheriff or other returning officer shall cause a true copy of the same to be affixed on the doors of the county hall or town hall, or of the parish church nearest to the place where such election has usually been held; and such notice shall also be inserted by order of the speaker in one of the two next *London Gazettes*; and the order for taking such petition into consideration shall, if necessary, be adjourned, so that at the least thirty days may intervene between the day on which such notice shall be inserted in the said Gazette and the day on which such petition shall be taken into consideration.

Where the seat becomes vacant, or the sitting member declines to defend his return before the petition is taken into consideration, notice to be sent by the speaker to the returning officer of the place to which the petition relates.

Notice to be affixed on the doors of the county hall, &c. and inserted in the *London Gazette*; and in consideration of the petition adjourned.

s. 12. And be it enacted, That it shall and may be lawful, at any time within thirty days after the day on which such notice shall have been inserted in the said Gazette, for any person or persons claiming to have had a right to vote at such election, or at the election of delegates or commissioners for making such election, to petition the house, praying to be admitted as a party or parties in the room of such member; and such person or persons shall thereupon be so admitted as a party or parties, and shall be considered as such, to all intents and purposes whatever.

Within thirty days after notice, voters, &c. may be admitted as parties to defend the return.

Members having given notice of their intention not to defend, shall not be admitted as parties.

s. 13. And be it enacted, That whenever the member whose election or return is so complained of in such petition shall have given such notice as aforesaid, of his intention not to defend the same, he shall not be admitted to appear or act as a party against such petition in any subsequent proceedings thereupon; and he shall also be restrained from sitting in the house of commons, or voting on any question, until such petition shall have been decided upon.

Lists of votes intended to be objected to, to be delivered to the clerk of the house of commons.

s. 14. And be it enacted, That in all cases of controverted elections or returns of members to serve in parliament for *Great Britain*, all the parties complaining of or defending such elections or returns shall, by themselves or their agents, deliver in to the clerk of the house of commons lists of the votes intended to be objected to, to be by the said clerk kept in his office, open to the inspection of all parties concerned, giving in the said lists the several heads of objections, and distinguishing the same against the names of the voters excepted to; and that such lists shall be so delivered in upon all controverted elections and returns for *Scotland*, or for any county in *England* or *Wales*, ten days at least before the day appointed for the consideration of the petition complaining of such election or return; and upon all other controverted elections or returns for *England* or *Wales*, five days at least before the day appointed for the consideration of such petition: Provided always, that if the consideration of any such petition shall be postponed by order of the house during the same session, or shall be renewed at the commencement of another session, it shall be sufficient if such lists shall be so delivered within such periods as are hereby directed before the committees for the trial of such petitions shall be actually appointed; or if any person or persons shall have been admitted as aforesaid to defend the return in the room of any sitting member or members returned in a double return, who before such petition is taken into consideration shall have died, or been called by writ of summons to parliament as a peer of *Great Britain*, or whose seat shall have become vacant by law, or who shall in the manner aforesaid have declared his intention not to defend his election or return, then it shall be sufficient if such lists shall be so delivered within such periods as are hereinbefore directed before the time to which the taking such petition into consideration shall be adjourned.

Evidence to be confined to objections particularized in the lists.

s. 15. And be it enacted, That no evidence shall be adduced before the select committee appointed for the trial of the petition upon which such list shall have been delivered in, against the validity of any vote, upon any head of objection to such voter other than one of the heads so specified and particularized against him in such list as aforesaid; and if any ground of objection shall be stated against any voter in such lists, and no evidence shall be produced before such select committee to substantiate such objection, and if such select committee shall be of opinion that such objection was frivolous or vexatious, the said committee shall report the same to the house of commons, together with their opinion on the

other matters relating to the said petition, and the opposite party shall in such case be entitled to recover, from the party or parties by whom or on whose behalf any such objections were made, the full costs and expenses incurred by reason of such frivolous or vexatious objections, which costs and expenses shall be ascertained and recovered in the same manner and form as is hereinafter provided for the recovery of costs and expenses in cases of frivolous or vexatious petitions.

On days appointed for taking petitions into consideration, house to proceed to the order of the day for that purpose before any other business, except as herein is excepted.

s. 16. And be it enacted, That on the day appointed for taking any such petition into consideration the house shall not proceed to any business previous to the reading of the order of the day for that purpose, except to swear in any member, or to receive any report from any select committee appointed in pursuance of this act, and to enter the same upon their journals, and to give the necessary orders and directions thereupon; or to admit the clerk of the crown to alter or amend any return, in pursuance of an order made on a preceding day or on that day; or to attend his majesty or his majesty's commissioners in the house of lords, in consequence of any message from his majesty, or from his majesty's commissioners, signified to the house in the usual manner; or to receive any message or messages from the lords; or on days appointed for the trial of any articles of impeachment exhibited or to be exhibited by the commons before the lords in parliament, to proceed to any business that may be necessary for the purpose of carrying on the prosecution of such impeachment.

Sergeant at arms before the reading of the order, to require the attendance of the members.

House to be counted, and if there are not 100 members the house to adjourn.

s. 17. And be it enacted, That at the time appointed for taking any such petition into consideration, and previous to the reading of the order of the day for that purpose, the sergeant at arms shall be directed to go with the mace to the places adjacent, and require the immediate attendance of the members on the business of the house; and that after his return the house shall be counted, and if there be less than one hundred members present, the order for taking such petition into consideration shall be immediately adjourned to a particular hour on the following day, (Sunday, Christmas-day, and Good Friday always excepted,) and the house shall not proceed to any other business whatsoever, except as hereafter provided, but shall then adjourn to the said day; and the proceedings of all committees, subsequent to such notice from the said sergeant, shall be void; and on the following day the house shall proceed in the same manner, and so from day to day, till there be an attendance of one hundred members at the reading of the order of the day to take such petition into consideration: Provided always, that if, after reading the order of the day for taking any such petition into consideration, on any day immediately preceding Christmas day, (or if Christmas day falls on a Monday, on the preceding Saturday,) Whitsunday, or Good Friday, it shall be found that there are not one hundred members present, or that the number of thirty-three members, not set aside or excused

cannot be completed, it shall and may be lawful for the house, if they shall think fit, to direct that the said order shall be adjourned for any number of days, and the house shall then immediately be adjourned to the hour and day to which such order shall be so adjourned.

If 100 members are present, the parties, &c. to be ordered to the bar.

s. 18. And be it enacted, That if after summoning the members, and counting the house, as aforesaid, one hundred members shall be found to be present, the parties, their counsel or agents, shall be ordered to attend at the bar, and then the door of the house shall be locked, and no member shall be suffered to enter into or depart from the house until the parties, their counsel or agents, shall be directed to withdraw, as hereinafter is mentioned; and when the door shall be locked as aforesaid, the order of the day shall be read, and the names of all the members of the house, written on distinct pieces of paper, being all as near as may be of equal size, and folded up in the same manner, shall be put into six glasses, to be placed on the table for that purpose; and then the clerk or clerk assistant attending the house shall publicly draw out of the said six glasses the said pieces of paper, and deliver the same to the speaker, to be by him read to the house, and so shall continue to do until thirty-three names of the members present be drawn: provided always, that the names of all the members so written and folded up shall, previous to the time appointed for taking any such petition into consideration, be prepared by the said clerk or clerk assistant, and by him put into a box in the presence of the speaker, together with an attestation, signed by the said clerk or clerk assistant, purporting that the names of all the members were by him put therein the day of in the year , which said box the speaker shall seal or cause to be sealed, in his presence, with his own seal, and to the outside thereof shall annex or cause te be annexed an attestation, signed by himself, purporting that the said box was, on the day of in the year , made up in his presence, in the manner directed by this act; and that as soon as the parties shall be withdrawn as aforesaid, and before the house shall enter on any other business, any member may require that the names of all the members which remain undrawn shall be drawn and read aloud by the said clerk or clerk assistant.

Names of members to be put in six boxes or glasses, and drawn out alternately, and read by the speaker, till 33 be drawn, &c.

Previous to taking a petition into consideration, the names of members to be put into a box, &c.

How to proceed where two or more petitions are ordered to be taken into consideration on the same day.

s. 19. And be it enacted, That when two or more such petitions are ordered to be taken into consideration by the house on the same day, it shall and may be lawful, after summoning the members and counting the house, in the manner hereinbefore directed, to order all the petitioners and other parties, by themselves, their counsel or agents, to attend within the house at the same time, before the door shall be locked; and after the list of the thirty-three names of the members present hath been drawn by lot and completed, in order to form the first committee, as hereinbefore is directed, it shall and may be lawful to proceed forthwith, and before the door of the house shall be opened, except for the purposes hereinafter mentioned, to draw

by lot, and complete in like manner, out of the same glasses, another list of thirty-three names of the remaining members present, in order to form the second committee, according to the said directions; and in the same manner to draw by lot and complete successive lists of thirty-three names of the remaining members present, in order to form a third or fourth committee, according to the said directions.

Number of members to be present to form more than one ballot.

s. 20. And be it enacted, That it shall not be lawful to proceed in manner aforesaid to form successive lists, in order to form more than one of such committees, unless one hundred and twenty members shall be present in the house at the time counting the same; nor to form successive lists, in order to form more than two such committees, unless one hundred and eighty members shall then be present in the house; nor to form successive lists, in order to form more than three such committees, unless two hundred and forty members shall then be present in the house.

Certain members disqualified from serving on committees.

s. 21. And be it enacted, That if the name of any member who shall have given his vote at the election complained of as aforesaid, or who shall be a petitioner complaining of an undue election or return, or against whose return a petition shall be then depending, or whose return shall not have been brought in fourteen days, shall be drawn, his name shall be set aside, and not be entered in the list of names drawn.

Members above sixty years of age may be excused.

s. 22. And be it enacted, That if the name of any member of sixty years of age or upwards be drawn, he shall be excused from serving on any select committee to be appointed by virtue of this act, if he require it, and verify the cause of such excuse upon oath.

Or members who have previously served on a select committee during the same session.

s. 23. And be it enacted, That if the name of any member who has served on one such select committee during the same session be drawn, he shall, if he require it, be excused from serving again in any such select committee, unless the house shall, before the day appointed for taking the said petition into consideration, have resolved that the number of members who have not served on any such select committee in the same session is insufficient to fulfil the purposes of this act respecting the choice of such select committee.

As to members whose attendance has been excused.

s. 24. And be it enacted, That no member who, after having been appointed to serve on any such select committee, shall, on account of inability or accident, have been excused from attending the same throughout, shall be deemed to have served on any such committee.

If members offer other excuses, the opinion of the house to be taken thereon.

s. 25. And be it enacted, That if any other member shall offer any other excuse, the substance of the allegations shall be taken down by the said clerk, in order that the same may afterwards be entered on the journals, and the opinion of the house shall then be taken thereon: and if the house shall resolve that the said member ought not to be compelled to serve on such select committee, he shall also be excused from such service: provided always, that the said member shall thereupon verify upon oath the allegations so taken down by the clerk.

Members excused for reasons applying especially to one petition may be redrawn.

s. 26. And be it enacted, That in case the house shall proceed in manner aforesaid to form successive lists, in order to form two or more such committees, and any member whose name is drawn shall be excused for some reason which applies specially to any one petition, the name of such member shall be returned into the glass from whence it has been taken, so that it might be again drawn by lot upon any of the following petitions:—

Instead of members excused, others to be drawn.

s. 27. And be it enacted, That instead of the members so set aside and excused, the name of other members shall be drawn, who may, in like manner, be set aside or excused, and others drawn to supply their places, until the whole number of thirty-three members not liable to be so set aside nor excused, shall be complete; and if the number of thirty-three members, not set aside nor excused, cannot be completed, the house shall proceed in the manner hereinbefore directed in case there be less than one hundred members present at the time prescribed for counting the house, and so from day to day as often as the case shall happen; Provided always, that if two or more such petitions are to be taken into consideration on the same day, and it shall happen, by reason that a sufficient number of members liable to serve are not present in the house that successive lists cannot be formed, in manner aforesaid, upon all such petitions, yet the house may nevertheless proceed to form the list or lists, and appoint the select committee or committees upon one or more of such petitions, as far as they are enabled so to do by the number of members present, and may after such appointment, proceed to any other business; and the order or orders for taking the remaining petition or petitions into consideration shall be adjourned, as hereinbefore is directed in case there be less than one hundred members present at the time prescribed for counting the house.

If number of 33 members cannot be completed, house to adjourn.

But if one committee has been formed, the house may proceed with other business; and the orders for the remaining petitions may be adjourned.

When lists are complete, the house to proceed to other business.

s. 28. And be it enacted, That as soon as thirty-three members shall have been so chosen by lot, the house may proceed to take any other such petition into consideration as may have been appointed to be considered on that day, and if there be none such, then the doors of the house shall be opened, and the house may proceed upon any other business.

How to proceed where a list cannot be completed.

s. 29. Provided always, and be it enacted, That if after counting the house in the manner hereinbefore mentioned there be less than one hundred members present, or if thirty-three members, not set aside or excused, cannot be completed, as hereinbefore is provided, the house shall not proceed upon any business whatever, except to adjourn the order of the day for taking any such petition into consideration, in manner hereinbefore directed, or to proceed upon any order of the day for the call of the house which shall have been previously fixed for that day, and to direct that the house, in pursuance of such order, be then called over, if they shall so think fit, or to direct that such order of the day for the call of the house shall be adjourned to such future day as they shall appoint, and in either of such cases to come to such resolutions, and to make

such orders relating thereto, as to the house shall seem meet; and in case no order of the day for a call of the house shall have been previously fixed for that day, then to order that the house shall be called over on such future day as they shall appoint, and to make such orders relating thereto as they shall think necessary, and in such case to make such other orders as to them shall seem expedient, for enforcing the attendance of the members upon the business of the house, and that the house shall then adjourn to the same day to which the order or orders for taking into consideration any such petition or petitions shall have been adjourned, and so from time to time, as occasion shall require; and in case no such proceedings with respect to any call of the house, or other the matters before mentioned, shall take place, or if in the course of those proceedings the house shall be adjourned for want of members, the house shall be deemed and taken, and shall be declared to be adjourned to the same day to which such order or orders shall have been adjourned: Provided always, that in case the thirty-three members not set aside or excused cannot be completed, it shall not be lawful for the house to proceed upon any of the matters before mentioned until the door of the house is unlocked, and the parties, their counsel and agents, are withdrawn from the bar.

Lists of the 33 members to be given to the parties who are to withdraw, and reduce the number to 11.

s. 30. And be it enacted, That as soon as the said thirty-three members shall have been so chosen by lot, the petitioners and sitting member or members, or any party who may have been admitted to defend the return, or to defend any right of election, and all the parties, their counsel or agents, shall immediately withdraw, together with the clerk appointed to attend the said select committee; which clerk shall furnish a list of the thirty-three members to each of the parties: and the petitioners and sitting member or members, or such party as may have been admitted as aforesaid to defend the return or right of election, their counsel or agents, beginning on the part of the petitioners, shall alternately strike off one of the said thirty-three members, until the said number shall be reduced to eleven; and the said clerk, within one half hour at the furthest from the time of the parties withdrawing from the house, or if the door of the house shall at the expiration of such half hour be closed, then immediately after they shall be opened, shall deliver into the house the names of the eleven members then remaining, and the said eleven members shall be sworn at the table well and truly to try the matter of the petition referred to them, and a true judgment to give according to the evidence, and shall be deemed and taken to be a select committee legally appointed to try and determine the merits of the return or election appointed by the house to be by them taken into consideration, from and after the time of any such select committee having been sworn at the table; and the house shall order the said select committee to meet at a certain time, to be fixed by the house, which shall be within twenty-four hours of the ap-

pointment of the said select committee, unless a *Sunday*, *Christmas-day*, or *Good Friday* shall intervene; and the place of their meeting and sitting shall be some convenient room or place adjacent to the house of commons, properly prepared for that purpose.

Members chosen not to depart till meeting of committee is fixed.

s. 31. And be it enacted, That on the parties withdrawing as aforesaid, the house shall continue sitting, and the said thirty-three members so chosen by lot shall not depart the house till the time for the meeting of such select committee shall be fixed.

When several petitions are taken into consideration, parties may reduce lists between the ballots, and committee may leave.

s. 32. And be it enacted, That if two or more such petitions are to be taken into consideration on the same day, it shall be lawful for the parties, their counsel or agents, to withdraw from the house as soon as the list of thirty-three names shall have been drawn, in order to form the committee for the trial of such petition respectively, and for the clerk appointed to attend the said committee to return the reduced list in the time intervening between any two ballots; and the members remaining upon any of the said reduced lists shall be sworn at the table, and shall be at liberty forthwith to depart from the house.

If more than two parties on distinct interests, each party to strike off the name of a member from the 33 successively until reduced to eleven.

s. 33. And be it enacted, That if, on a complaint of petition of an undue election or return, there shall be more than two parties before the house on distinct interests, or complaining or complained of upon distinct grounds, whose right to be elected or returned may be affected by the determination of any such select committee, each of the said parties shall successively strike off a member from the thirty-three members chosen by lot, until the same number be reduced to eleven, in the same manner as is hereinbefore directed for the striking off of a member by each party, and the list of the thirty-three members chosen by lot shall for this purpose be given to all the said parties, and the order in which the said parties shall so strike off the said members shall be determined by lot after they are withdrawn from the bar, and in like manner shall be determined the order in which the parties in petitions complaining of the same double return shall strike off the said members; and the eleven members remaining on the said reduced list shall be sworn at the table, and be a select committee for the purposes aforesaid.

Regulations for the trials of the merits of petitions where no opposing party appears.

s. 34. And be it enacted, That if within one hour after the time appointed for taking any petition complaining of an undue election or return, or omission to make a return, into consideration, the sitting member or sitting members, or other party opposing the petition, shall not appear, by himself or themselves, or his or their counsel or agents, or if at the time so appointed as aforesaid there shall be no party before the house opposing such petition, or any petition touching a right of election, the house shall proceed to appoint a select committee to try the merits of such petition, in the following manner; (that is to say,) that the names of the thirty-three members shall be drawn in the manner hereinbefore prescribed; but in reducing the list of such name

to eleven the place of the party opposing the petition shall be supplied by the clerk appointed to attend the said committee, who shall as often as it shall come to his turn, as supplying the place of such party, strike out that name which then shall be first on the said list.

Reducing lists when any party shall waive his right.

s. 35. And be it enacted, That the same method of reducing the list of members drawn to eleven shall be followed whenever any party shall waive his right of striking off names from the said list.

Manner of proceeding when returning officers, who have been ordered to attend, shall appear;

s. 36. And be it enacted, That if the returning officer or officers by whom any return ought to have been made or has been made shall attend the house when any petition complaining of any undue election or return, or omission to make a return, is ordered to be taken into consideration in consequence of such order and notice as is hereinbefore described, and in the case there shall be more petitions than one presented on distinct interests, or complaining upon different grounds, the house shall determine, from the nature of the case, whether the returning officer or officers, his or their counsel or agents, shall, together with such petitioners, be entitled to strike off from the list of members drawn by lot, in the manner hereinbefore directed in cases where there shall be more than two parties before the house, or whether such list shall be reduced by the parties severally presenting such petitions only; and if such officer or officers cannot be found to be served with such notice or order, or being served, shall not appear, by himself or themselves, his or their counsel or agents, at the day and time appointed for taking such petition into consideration, the house may permit or authorize any person to appear in the stead of him or them, and in like manner shall decide whether the person so nomiuated or appointed to appear in the place of such returning officer or officers shall be entitled to strike off from the said list of thirty-three members so drawn by lots as aforesaid, as it might do in case the returning officer or officers had appeared.

when returning officers do not appear.

Committee to elect a chairman.

s. 37. And be it enacted, That every such select committee shall on their meeting elect a chairman; and if in the election of a chairman there be an equal number of voices, the member whose name was first drawn in the house shall have a casting voice; so likewise, in case there should ever be occasion for electing a new chairman, on the death or necessary absence of the chairman first elected.

Committees to be attended by a short-hand writer.

s. 38. And be it enacted, That every such committee shall or may be attended by a person well skilled in the art of writing short-hand, who shall be specially appointed by the clerk of the house of commons for the time being, and sworn by the chairman faithfully and truly to take down, in short-hand, the evidence adduced before such committee, and from day to day, as occasion may require, to transcribe or cause the same to be transcribed, in words at length, for the use of such committee.

Committee empowered to send for and examine

s. 39. And be it enacted, That every such select committee shall have power to send for persons, papers, and records,

persons, papers, and records.

and to examine any person who may have subscribed the petition which such select committee shall have been appointed to try and determine, except it shall otherwise appear to such committee that such person is an interested witness, and shall examine all the witnesses who come before them upon oath; and if any person summoned by such select committee, or by the warrant of the speaker of the house of commons, shall disobey such summons, or if any witness before such select committee shall give false evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give evidence, the chairman of such select committee, by their directions, may at any time during the course of their proceedings report the same to the house for the interposition of their authority, or censure, as the case may require, and may by a warrant under his hand, directed to the serjeant at arms attending the house of commons, or to his deputy or deputies, commit such person (not being a peer of the realm or lord of parliament) to the custody of the said serjeant, without bail or mainprize, for any time not exceeding twenty-four hours, if the house shall then be sitting, and if not, then for a time not exceeding twenty-four hours after the hour to which the house shall then be adjourned.

Witnesses misbehaving may be reported to the house, and committed to the custody of the serjeant at arms.

Committee to decide, and to report their decision to the house, &c.

s. 40. And be it enacted, That every such select committee shall try the merits of the return or election, or both, and shall determine, by a majority of voices of such select committee, whether the petitioners or the sitting members, or either of them, be duly returned or elected, or whether the election be void, or whether a new writ ought to issue, which determination shall be final between the parties (except as is hereinafter provided for) to all intents and purposes; and the house, on being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for confirming or altering the return, or for ordering a return to be made, or for issuing a new writ for a new election, or for carrying the said determination into execution as the case may require; and every such committee, at the same time that they inform the house of their final determination on the merits of the petition which they were sworn to try, shall also report to the house whether such petition did or did not appear to them to be frivolous or vexatious; and in like manner report with respect to every party who shall have appeared before them in opposition to such petition, whether the opposition of such party did or did not appear to them to be frivolous or vexatious; and if no party shall have appeared before them in opposition to such petition, they shall then report to the house whether such election or return, or such alleged omission of a return, as shall be complained of in such petition, (according as the case may be,) did or did not appear to them to be vexatious or corrupt.

Decision to be final, except in certain cases.

Committee to report whether the petition or opposition to it is frivolous or vexatious, or whether the return is vexatious or corrupt.

Committees may report their determinations on other matters to the house.

s. 41. And be it enacted, That if any such select committee shall come to any resolution other than the determination above mentioned, they shall, if they think proper, report the

same to the house for their opinion, at the same time that the chairman of such select committee shall inform the house of such determination, and the house may confirm or disagree with such resolution, and make such orders thereon as to them shall seem proper.

Committees not to adjourn for more than 24 hours, without leave, &c.

s. 42. And be it enacted, That every such select committee shall sit every day (Sunday, Christmas-day, and Good Friday only excepted), and shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas-day, or Good Friday intervene, and in such case not for more than twenty-four, exclusive of such Sunday, Christmas-day, or Good Friday, without leave first obtained from the house, upon motion, and special cause assigned for a longer adjournment; and in case the house shall be sitting at the time to which such select committee is adjourned, then the business of the house shall be stayed, and a motion shall be made for a further adjournment, for any time to be fixed by the house: provided always, that if such select committee shall have occasion to apply or report to the house in relation to the adjournment of such select committee, the absence of the members thereof, or the non-attendance or misbehaviour of witnesses summoned to appear or appearing before them, and the house shall be then adjourned for more than twenty-four hours, such select committee may also adjourn to the day appointed for the meeting of the house.

Committee-man not to absent himself.

s. 43. And be it enacted, That no member of any such select committee shall be allowed to absent himself from the same without leave obtained from the house, or an excuse allowed by the house at the next sitting thereof, on special cause shown and verified upon oath; and such select committee shall never sit until all the members to whom such leave has not been granted nor excuse allowed, are met; and in case they shall not all meet within one hour after the time to which such select committee shall have been adjourned, a further adjournment shall be made, in the manner as before directed and reported, with the cause thereof, to the house.

Committee not to sit until all be met.

On failure of meeting within one hour, adjournment to be made.

Chairman to report absentees, who are to be directed to attend, &c.

s. 44. And be it enacted, That the chairman of every such select committee shall at the next meeting of the house always report the name of every member thereof who shall have been absent therefrom without such leave or excuse as aforesaid, and such member shall be directed to attend the house at the next sitting thereof, and shall then be ordered to be taken into the custody of the serjeant at arms attending the house, for such neglect of his duty, and otherwise punished or censured, at the discretion of the house, unless it shall appear to the house, by facts specially stated and verified upon oath, that such member was, by a sudden accident, or by necessity, prevented from attending the said select committee.

If more than two members be absent, committee to adjourn.

s. 45. And be it enacted, That if more than two members of any such select committee shall on any account be absent therefrom, such select committee shall adjourn in the manner

hereinbefore directed, and so from time to time until nine members are assembled, except as is hereafter provided.

If any committee is reduced to less than nine by the non-attendance of its members, it shall be dissolved, except as herein mentioned.

s. 46. And be it enacted, That in case the number of members able to attend any such select committee shall, by death or otherwise, be unavoidably reduced to less than nine, and shall so continue for the space of three sitting days, such select committee shall be dissolved, and another chosen to try and determine the matter of such petition in manner aforesaid; and all the proceedings of such former select committee shall be void and of no effect: provided always, that whenever any such committee shall have sat for business fourteen days, not including those days on which they shall have adjourned on account of the absence of any member, nor including Sunday, Christmas day, or Good Friday, it shall and may be lawful for them to proceed to business, if a number of members not less than eight be present; and in such case the committee shall not be dissolved by reason of the absence of the members, unless the number of members able to attend the same shall, by death or otherwise, be unavoidably reduced to less than eight, and shall so continue for the space of three sitting days; and whenever any such committee shall in like manner have sat for business twenty-five days, or shall have directed any commission to be issued for the examination of evidence in Ireland, under the provisions of an act passed in the forty-second year of the reign of his late majesty, and intituled an act for regulating the trial of controverted elections or returns of members to serve in the united parliament for Ireland, it shall and may be lawful for them to proceed to business, if a number of members not less than seven be present; and in such case the committee shall not be dissolved by reason of the absence of the members, unless the number of members able to attend the same shall, by death or otherwise, be unavoidably reduced to less than seven, and shall so continue for the space of three sitting days.

42 *Geo.* 3. *c.* 106.

When committee is deliberating, the room to be cleared, &c.

s. 47. And be it enacted, That whenever any such select committee shall think it necessary to deliberate among themselves upon any question which shall arise in the course of trial, or upon the determination thereof, or upon any resolution concerning the matter of the petition referred to them as aforesaid, as soon as such select committee shall have heard the evidence and counsel on both sides relative thereto, the room or place in which they shall sit shall be cleared, if they shall think proper, whilst the members of such committee consider thereof; and all such questions, as well as such determinations, and all other resolutions, shall be by a majority of voices; and if the voices shall be equal, including the voice of such chairman, the chairman shall have a casting voice.

No determination to be made by any committee unless the requisite number of

s. 48. And be it enacted, That no determination shall be made by any such committee on any question whatsoever, save and except such as may arise in consequence of the absence of any member, unless the number of members hereinbefore

required be present: provided always, that no member shall be entitled to vote on the determination of any question, who has not attended during every sitting of such committee, except such at which the committee shall have met and adjourned in manner hereinbefore directed, in consequence of the absence of such member. members are present.

s. 49. And be it enacted, That the oaths by this act directed to be taken in the house shall be administered by the said clerk or clerk assistant, and that the oaths directed by this act to be taken before any select commitee shall be administered by the clerk attending such select committee; and that all persons who shall be guilty of such wilful and corrupt perjury in any evidence which they shall give before the house or such committee, in consequence of the oath which they shall have taken by the direction of this act, shall on conviction thereof incur and suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the laws and statutes of this realm. How oaths are to be administered, &c.

s. 50. And be it enacted, That whenever any committee appointed to try the merits of any such petition as aforesaid shall be of opinion that the merits of such petition do wholly or in part depend on any question or questions which shall be before them respecting the right of election for the county, city, borough, district of burghs, port, or other place to which such petition shall relate, or respecting the right of choosing, nominating, or appointiug the returning officer or returning officers who is or are to make return of such election, the said committee in such case shall require the counsel or agents for the several parties, or if there shall be none such before them, shall then require the parties themselves, to deliver to the clerk of such committee statements in writing of the right of election, or of choosing, nominating, or appointing returning officers, for which they respectively contend; and the committee shall come to distinct resolutions on such statements, and shall, at the same time that they report to the house their final determination on the merits of such petition, also report to the house such statement or statements, together with their judgment with respect thereto; and such report shall thereupon be entered in the journals of the house, and notice thereof shall be sent by the speaker to the sheriff or other returning officer of the place to which the same shall relate, and a true copy of such notice shall, by such sheriff or other returning officer, be forthwith affixed to the doors of the county hall or town hall, or of the parish church nearest to the place where such election has usually been held, and such notice shall also be inserted, by order of the speaker, in one of the two next *London Gazettes*. When the merits of a petition depend on questions respecting the right of election, &c. committee to require statements in writing of such rights, and to report thereon, &c.

s. 51. And be it enacted, That whenever any such report with respect to such rights, any or either of them, shall be made to the house, it shall and may be lawful for any person or persons, within six months next after the day on which such report shall have been made to the house, or in case such six Petitions of appeal may be presented to the house within six months after a report has been made on any

right of election, &c.

months shall end between the time when the present or any future parliament shall be dissolved or shall expire and the day on which the next parliament shall meet, or in case such six months shall expire during any recess, either by the prorogation of parliament or by the adjournment of the house of commons for fourteen days intervening between the day of adjournment and the day to which the house shall be so adjourned, then within fourteen days next after the first day of the next parliament, or of the next session of the same parliament, or of the next meeting of the house of commons, as the case may be, to petition the house to be admitted as a party or parties to oppose those rights, any or either of them, which shall have been deemed valid in the judgment of such committee; and that such petition, when presented, shall be ordered by the house to lay on the table till such six months, or such fourteen days, as aforesaid, shall be expired; and that within twenty-one sitting days after the expiration of such six months, or fourteen days, a day and hour shall be appointed by the house for taking the same into consideration, so that the space of fourteen days at the least shall always intervene between the day on which such order shall be made and the day appointed by the house for taking the same into consideration; and such day and hour may from time to time be altered as to the house shall seem fit; and notices of such day and hour, and of such alteration thereof, shall be sent to the several persons who have petitioned the house respecting such rights, in like manner as is done in other cases: provided always, that if no such petition shall be so presented within the times above limited for presenting the same, the said judgment of such committee on such question or questions shall be held or taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatsoever; any usage to the contrary notwithstanding.

Notice of the time fixed for taking petitions into consideration to be inserted in the Gazette, and sent to returning officers, &c.

s. 52. And be it enacted, That whenever a day or hour shall be appointed by the house for taking any such petition into consideration, notice of such day and hour shall be inserted, by order of the speaker, in one of the two next *London Gazettes*, and also shall be sent by him to the sheriff or other returning officer for the place to which such petition shall relate; and a true copy of such notice shall, by the said sheriff or other returning officer, be forthwith affixed to the doors of the county hall or town hall, or of the parish church nearest to the place where such election has usually been held.

Who may be admitted parties to defend the right of election, &c.

s. 53. And be it enacted, That it shall and may be lawful for any person or persons, at any time before the day so appointed for taking such petition into consideration, to petition the house to be admitted as a party or parties to defend such right of election, or of choosing, nominating or appointing the returning officer or officers; and such person or persons shall hereupon be so admitted, and shall be considered as such to all intents and purposes whatever.

Committees of appeal how to be appointed;

s. 54. And be it enacted, That at the hour appointed by the house for taking such petition into consideration, the house shall proceed to appoint a select committee to try the merits thereof; in the same manner as select committees are hereinbefore by this act directed to be appointed: provided always, that if the name of any member shall be drawn who shall have served on the select committee whose determination forms the subject of complaint in the petition then about to be taken into consideration, the name of such member shall not be entered in the list of names drawn; and such select committee shall be sworn to try and determine the merits of such petition, so far as the same relate to any question or questions respecting the right of election for the place to which the petition shall relate, or respecting the right of appointing, nominating, or choosing the returning officer or returning officers who are to make return of such election; and the determination of such committee on such question or questions shall be entered in the journals of the house, and shall be held and taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatsoever; any usage to the contrary notwithstanding.

their determination to be final.

Powers and regulations given to other election committees to extend to appeal committees.

s. 55. And be it enacted, That all and every the rules, regulations, authorities, or powers prescribed and given by this act to select committees for the trial of controverted elections or returns, shall be in full force and effect with respect to select committees hereby appointed for the trial of such question or questions of right as aforesaid: Provided always, that the several rules and regulations hereinbefore mentioned, by which certain persons are directed to enter into recognizances, and by which certain persons are made liable to the payment of costs, in the particular manner and in the several cases hereinbefore specified, shall not be construed to apply to the case of any petition presented to oppose or defend the determination of any select committee on any question or questions respecting the right of election, or of choosing, nominating, or appointing a returning officer or returning officers.

Committees not dissolved by the prorogation of parliament, &c.

s. 56. And be it enacted, That whenever it shall happen that parliament shall be prorogued, after any petition complaining of an undue election or return, or of the omission to return, shall have been presented, but shall not have been taken into consideration, the house shall, within two days after the next meeting of parliament, appoint a day and hour for taking the same into consideration; and if the parliament shall be prorogued while any select committee appointed under the authority of this act shall be sitting for the trial of any such petition as aforesaid, and before they shall have reported to the house their determination thereon, such committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock on the day immediately following that on which parliament shall meet again for the

dispatch of business (*Sundays, Good Friday,* and *Christmas-day* always excepted;) and all former proceedings of such committee shall remain and continue to be of the same force and effect as if parliament had not been so prorogued; and such committee shall meet on the day and hour to which it shall be so adjourned, and shall thenceforward continue to sit from day to day, in the manner hereinbefore provided, until they shall have reported to the house their determination on the merits of such petition.

Costs when incurred by petitioners, &c.

s. 57. And be it enacted, That whenever any committee appointed to consider the merits of any petition complaining of an undue election or return, or of the omission to return any member or members to parliament, shall report to the house with respect to any such petition (except as hereinbefore excepted), that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the committee in opposition to such petition, shall be entitled to recover from the person or persons, or any of them, who shall have signed such petition, the full costs and expenses which such party or parties shall have incurred in opposing the same, such costs and expenses to be ascertained in the manner hereinafter directed.

Costs, when incurred by parties opposing petitions, &c.

s. 58. And be it enacted, That whenever such committee shall report to the house, with respect to the opposition made to such petition by any party or parties who shall have appeared before them, that such opposition appeared to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or parties, or any of them, with respect to whom such report shall be made, the full costs and expenses which such petitioner or petitioners shall respectively have incurred in prosecuting their petition, such costs and expenses to be ascertained in the manner hereinafter directed.

Costs, when incurred where no party appears to oppose a petition, &c.

s. 59. And be it enacted, That whenever no party shall have appeared before any such committee in opposition to such petition, and such committee shall report to the house, with respect to the election or return, or to the alleged omission of a return, or to the alleged insufficiency of a return, complained of in any such petition, that the same appeared to them to be vexatious or corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the sitting member or sitting members (if any) whose election or return shall be complained of in such petition (such sitting member or sitting members not having given notice as aforesaid of his or their intention not to defend the same), or from any other person or persons whom the house shall have admitted or directed to be made a party or parties to oppose such petition, the full costs and expenses which such petitioner or petitioners shall have incurred in prosecuting their petition; such costs and expenses to be ascertained in the manner hereinafter directed.

Costs how to be ascertained.

s. 60. And be it enacted, That the costs and expenses of

prosecuting or opposing any petition presented under the provisions of this act, and the costs and expenses, and fees which shall be due and payable to any witness summoned to attend before such committee, or to any clerk or officer of the house of commons, upon the trial of any such petition, shall be ascertained in manner following; (that is to say,) that on application made to the speaker of the house of commons within three months after the determination of the merits of such petition, by any such petitioner, party, witness, or officer, as before mentioned, for ascertaining such costs, expenses, or fees, the speaker shall direct the same to be taxed by two persons, of whom the clerk or one of the clerks assistant of the house shall always be one, and one of the following officers, not being a member of the house, shall be the other; (that is to say,) masters in the high court of chancery, clerks in the court of king's bench, prothonotaries in the court of common pleas, and clerks in the court of exchequer; and the persons so authorized and directed to tax such costs, expenses, and fees shall and they are hereby required to examine the same, and to report the amount thereof, together with the name of the party liable to pay the same, to the speaker of the said house, who shall, upon application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs, expenses, and fees allowed in such report, together with the name of the party liable to pay the same; and the persons so appointed to tax such costs, expenses, and fees, and report the amount thereof, are hereby authorized to demand and receive for such taxation and report such fees as shall be from time to time fixed by any resolution of the house; and such certificate so signed by the speaker shall be conclusive evidence of the amount of such demands, in all cases and for all purposes whatsoever; and the witness, officer, or party claiming under the same shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same.

Costs to be taxed.

s. 61. And be it enacted, That in all cases the persons hereinbefore authorized and directed by the speaker of the house of commons to tax such costs and expenses shall allow all reasonable costs as between attorney and client.

Persons appointed to tax costs empowered to take affidavits.

s. 62. And be it enacted, That each of the persons so authorized as aforesaid by the speaker of the house of commons to tax such costs, expenses, or fees, and also any master of the high court of chancery, or any of his majesty's justices of the peace, shall be, and they and each of them are hereby authorized and empowered to take any affidavit relative to such costs, expenses, or fees, or the taxation or non-payment thereof, and to administer the oath for taking such affidavit; and all and every person convicted of wilfully false swearing in any affidavit authorized to be made by this act shall be deemed guilty of and suffer the penalties on persons convicted of wilful and corrupt perjury.

Costs how to be recovered.

s. 63. And be it enacted, That it shall and may be lawful for the party or parties entitled to such costs and expenses, or for his, her, or their executors or administrators, to demand the whole amount thereof, so certified as above, from any one or more of the persons respectively who are hereinbefore made liable to the payment thereof in the several cases hereinbefore mentioned; and in case of non-payment thereof to recover the same by action of debt in any of his majesty's courts of record at *Westminster*, in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them in the sum to which the costs and expenses, ascertained in manner aforesaid, shall amount, by virtue of this act; and the certificate of such amount, so signed as aforesaid by the speaker, shall have the force and effect of a warrant to confess judgment; and the court in which such action shall be commenced shall, upon motion, and on the production of such certificate, enter up judgment in favour of the plaintiff or plaintiffs named in such certificate, for the sum specified therein to be due from the defendant or defendants in such action, in like manner as if the said defendant or defendants had signed a warrant to confess judgment in the said action to that amount.

Speaker's certificate to have effect of a warrant to confess judgment.

Persons paying costs may recover a proportion thereof from other persons liable thereto.

s. 64. And be it enacted, That in every case where the amount of such costs and expenses shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover, in like manner, from the other persons, or any of them (if such there shall be), who are liable to the payment of the same costs and expenses, a proportionable share thereof, acording to the number of persons so liable.

Recognizances, when to be estreated, &c.

s. 65. And be it enacted, That if any petitioner or petitioners who shall have entered into such recognizance as aforesaid shall neglect or refuse, for the space of seven days after demand, to pay to any witness who shall have been summoned on his or their behalf, before the house or such select committee, on the trial of such petition, the sum so certified as aforesaid by the speaker to be due to such witness, together with the further sum of forty shillings *per diem* for every day during which such petitioner or petitioners shall delay to satisfy the same; or if such petitioner or petitioners shall neglect or refuse, for the space of six months after demand, to pay to any officer of the house, or to any party who shall appear in opposition to the said petition, the sum so certified by the speaker as aforesaid to be due to such officer or party, for their fees, costs, or expenses, and that such neglect or refusal shall be proved to the speaker's satisfaction, by affidavit sworn before any master of the high court of chancery (and such master is hereby authorized to administer such oath, and is authorized and required to certify such affidavit under his hand), in every such case such person or persons shall be held to have made default in his or their said recognizance; and the speaker of the house of commons shall thereupon certify such recognizance

into the court of exchequer, and shall also certify that such person or persons have made default therein; and such certificate shall be conclusive evidence of such default; and the recognizance, being so certified, shall have the same effect as if the same were estreated from a court of law: Provided always, that such recognizance and certificate shall in every such case be delivered by the clerk or one of the clerks assistant of the house of commons into the hands of the lord chief baron of the exchequer, or of one of the barons of the exchequer, or of such officer as shall be appointed by the said court to receive the same.

Returning officer may be sued for neglecting to return any persons duly elected.

s. 66. And be it enacted, That if any sheriff or other returning officer or officers shall wilfully delay, neglect, or refuse duly to return any person who ought to be returned to serve in parliament for any county, city, borough, district of burghs, port, or place within *Great Britain*, every such person may, in case it shall have been determined by a select committee appointed in the manner hereinbefore directed, that such person was entitled to have been returned, sue the sheriff or other officer or officers having so wilfully delayed, neglected, or refused duly to make such return at his election, in any of his majesty's courts of record at *Westminster*, or of his court of session in *Scotland*, and shall recover double the damages he shall sustain by reason thereof, together with full costs of suit, provided such action is commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of any proceedings in the house of commons relating to such election.

Commencement of act.

s. 67. And be it enacted, That this act shall commence and take effect from and after the last day of the present session of parliament.

Form of Recognizance referred to in this Act.

Be it remembered, That on the day of in the year of our Lord before me *A. B.* (speaker of the house of commons) *or* (one of his majesty's justices of the peace for the county of) came *C. D.*, *E. F.*, and *J. G.* (*H. K.* and *L. M.*) and severally acknowledged themselves to owe to our sovereign lord the king the following sums; that is to say, the said *C. D.* the sum of one thousand pounds, and (the said *E. F.* and the said *J. G.* the sum of five hundred pounds each) [*or, in case there should be four sureties*, the said *E. F.*, *J. G.*, *H. K.*, and *L. M.* the sum of two hundred and fifty pounds each]; to be levied on their respective goods and chattels, lands, and tenements, to the use of our said sovereign lord the king, his heirs and successors, in case the said *C. D.* shall fail in performing the condition hereunto annexed:

The condition of this recognizance is, That if the said *C. D.* shall well and truly pay all costs, and expenses, and fees, which shall be due and payable from the said *C. D.* to any witness

who shall be summoned to give evidence in his behalf, or to any clerk or officer of the house of commons, upon the trial of the petition signed by the said *C. D.* (complaining of an undue election or return for the [*here state the place*],) *or* (complaining that no return has been made for the said within the time limited by act of parliament), *or* (complaining that the return made for the said is not a return of a member or members, according to the requisition of the writ) and if the said *C. D.* shall also well and truly pay the costs and expenses of the party who shall appear before the house in opposition to the said petition, in case the said *C. D.* shall fail to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration or in case the said *C. D.* shall withdraw his said petition by the permission of the house; or in case the select committee appointed by the house to try the matter of the said petition shall report to the house that the said petition appears to them to be frivolous or vexatious; then this recognizance to be void otherwise to be of full force and effect.

No. 177.—10 Geo. IV. c. 7.

An Act for the Relief of His Majesty's Roman Catholic Subjects. A. D. 1829.

Whereas by various acts of parliament certain restraints and disabilities are imposed on the Roman Catholic subjects of his majesty, to which other subjects of his majesty are not liable: and whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued: and whereas by various acts certain oaths and certain declarations, commonly called the declaration against transubstantiation, and the declaration against transubstantiation and the invocation of saints and the sacrifice of the mass, as practised in the church of Rome, are or may be required to be taken, made and subscribed by the subjects of his majesty, as qualifications for sitting and voting in parliament, and for the enjoyment of certain offices, franchises, and civil rights: Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the commencement of this act all such parts of the said acts as require the said declarations, or either of them, to be made or subscribed by any of his majesty's subjects, as a qualification for sitting and voting in parliament, or for the exercise or enjoyment of any office franchise, or civil right, be and the same are (save as hereinafter provided and excepted) hereby repealed.

Acts relating to declarations against transubstantiation, repealed.

Roman Catholics may sit and vote

s. 2. And be it enacted, That from and after the commencement of this act it shall be lawful for any person pro-

fesssing the Roman Catholic religion, being a peer, or who shall after the commencement of this act be returned as a member of the house of commons, to sit and vote in either house of parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following oath, instead of the oaths of allegiance, supremacy, and abjuration: in parliament on taking the following oath.

"I, *A. B.*, do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty King *George* the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever, which shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: And I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown, which succession, by an act, intituled, '*An Act for the further limitation of the crown, and better securing the rights and liberties of the subject*' is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm: and I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the pope, or any other authority of the See of *Rome*, may be deposed or murdered by their subjects, or by any person whatsoever: And I do declare, that I do not believe that the pope of *Rome*, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear, that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws: and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment as settled by law within this realm: and I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the united kingdom: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me God."

The name of the sovereign for the time being to be used in the oath.

s. 3. And be it further enacted, That wherever in the oath hereby appointed and set forth, the name of his present majesty is expressed or referred to, the name of the sovereign of this kingdom for the time being, by virtue of the act for the further limitation of the crown and better securing the rights and liberties of the subject, shall be substituted from time to time, with proper words of reference thereto.

No Roman Catholic capable of sitting or voting until he has taken the oath.

s. 4. Provided always, and be it further enacted, That no peer professing the Roman Catholic religion, and no person professing the Roman Catholic religion, who shall be returned a member of the house of commons after the commencement of this act, shall be capable of sitting or voting in either house of parliament respectively, unless he shall first take and subscribe the oath hereinbefore appointed and set forth, before the same persons, at the same times and places, and in the same manner as the oaths and the declaration now required by law are respectively directed to be taken, made, and subscribed; and that any such person professing the Roman Catholic religion, who shall sit or vote in either house of parliament, without having first taken and subscribed, in the manner aforesaid, the oath in this act appointed and set forth, shall be subject to the same penalties, forfeitures, and disabilities, and the offence of so sitting or voting shall be followed and attended by and with the same consequences, as are by law enacted and provided in the case of persons sitting or voting in either house of parliament respectively, without the taking, making, and subscribing the oaths and the declaration now required by law.

Roman Catholics may vote at elections, and be elected, upon taking the oath.

s. 5. And be it further enacted, That it shall be lawful for persons professing the Roman Catholic religion to vote at elections of members to serve in parliament for *England* and for *Ireland*, and also to vote at the elections of representative peers of *Scotland* and of *Ireland*, and to be elected such representative peers, being in all other respects duly qualified upon taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy and abjuration, and instead of the declaration now by law required, and instead also of such oath or oaths as are now by law required to be taken by any of his majesty's subjects professing the Roman Catholic religion, and upon taking also such other oath or oaths as may now be lawfully tendered to any person offering to vote at such elections.

Oath shall be administered in the same manner as former oaths.

s. 6. And be it further enacted, That the oath hereinbefore appointed and set forth shall be administered to his majesty's subjects professing the Roman Catholic religion, for the purpose of enabling them to vote in any of the cases aforesaid, in the same manner, at the same time, and by the same officers or other persons as the oaths for which it is hereby substituted are or may be now by law administered; and that in all cases in which a certificate of the taking, making, or subscribing of any of the oaths or of the declaration now required by law is directed to be given, a like certificate of the taking or subscribing of the oath hereby appointed and set forth shall be given by the same officer or other person, and in the same manner as the certificate now required by law is directed to be given and shall be of the like force and effect.

Persons administering oaths at elections to take

7. And be it further enacted, That in all cases where the persons now authorized by law to administer the oaths of

allegiance, supremacy, and abjuration to persons voting at elections, are themselves required to take an oath previous to their administering such oaths, they shall, in addition to the oath, now by them taken, take an oath for the duly administering the oath hereby appointed and set forth, and for the duly granting certificates of the same.

an oath duly to administer.

s. 8. And whereas in an act of the parliament of *Scotland*, made in the eighth and ninth session of the first parliament of King *William* III., intituled, '*An act for the preventing* the growth of Popery,' a certain declaration or formula is therein contained, which it is expedient should no longer be required to be taken and subscribed: Be it therefore enacted, That such parts of any acts as authorize the said declaration or formula to be tendered, or require the same to be taken, sworn, and subscribed, shall be and the same are hereby repealed, except as to such offices, places, and rights as are hereinafter excepted; and that from and after the commencement of this act it shall be lawful for persons professing the Roman Catholic religion to elect and be elected members to serve in parliament for *Scotland*, and to be enrolled as freeholders in any shire or stewartry of *Scotland*, and to be chosen commissioners or delegates for choosing burgesses to serve in parliament for any districts of burghs in *Scotland*, being in all other respects duly qualified, such persons always taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance and abjuration as now required by law, at such time as the said last-mentioned oaths, or either of them, are now required by law to be taken.

So much of any acts as require the formula contained in 8 & 9 *Will.* 3. *c.* 3. (S.) to be tendered or taken, repealed.

Roman Catholics may elect and be elected members for *Scotland*.

s. 9. And be it further enacted, That no person in holy orders in the church of Rome shall be capable of being elected to serve in parliament as a member of the house of commons; and if any such person shall be elected to serve in parliament as aforesaid, such election shall be void; and if any person, being elected to serve in parliament as a member of the house of commons shall, after his election, take or receive holy orders in the church of Rome, the seat of such shall immediately become void; and if any such person shall in any of the cases aforesaid, presume to sit or vote as a member of the house of commons, he shall be subject to the same penalties, forfeitures, and disabilities as are enacted by an act passed in the forty-first year of the reign of king *George* the third, intituled, *An Act to remove doubts respecting the eligibility of persons in holy orders to sit in the house of commons*; and proof of the celebration of any religious service by such person, according to the rights of the church of Rome, shall be deemed and taken to be *primâ facie* evidence of the fact of such person being in holy orders, within the intent and meaning of this act.

No Roman Catholic priest to sit in the house of commons.

s. 10. And be it enacted, That it shall be lawful for any of his majesty's subjects professing the Roman Catholic religion to hold, exercise, and enjoy all civil and military offices and places of trust or profit under his majesty, his heirs or

Roman Catholics may hold civil and military offices under his majesty, with certain exceptions.

successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing, at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of his majesty's subjects professing the Roman Catholic religion.

Not to exempt Roman Catholics from taking any other oaths required.

s. 11. Provided always, and be it enacted, That nothing herein contained shall be construed to exempt any person professing the Roman Catholic religion from the necessity of taking any oath or oaths, or making any declaration, not hereinbefore mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

Offices withheld from Roman Catholics.

s. 12. Provided also, and be it further enacted, That nothing herein contained, shall extend or be construed to extend to enable any person or persons professing the Roman Catholic religion to hold or exercise the office of guardians and justices of the united kingdom, or of regent of the united kingdom, under whatever name, style, or title such office may be constituted; nor to enable any person, otherwise than as he is now by law enabled, to hold or enjoy the office of lord high chancellor, lord keeper or lord commissioner of the great seal of *Great Britain* or *Ireland*; or the office of lord lieutenant, or lord deputy, or other chief governor or governors of *Ireland*; or his majesty's high commissioner to the general assembly of the church of *Scotland*.

Nothing herein to repeal 7 *Geo.* 4. *c.* 72.

s. 13. Provided also, and be it further enacted, That nothing herein contained shall be construed to affect or alter any of the provisions of an act passed in the seventh year of his present majesty's reign, intituled, *An Act to consolidate and amend the laws which regulate the levy and application of church rates and parish cesses, and the election of churchwardens, and the maintenance of parish clerks in Ireland.*

Roman Catholics may be members of lay corporations.

s. 14. And be it enacted, That it shall be lawful for any of his majestys subjects professing the Roman Catholic religion to be a member of any lay body corporate, and to hold any civil office or place of trust or profit therein, and to do any corporate act, or vote in any corporate election or other proceeding, upon taking and subscribing the oath hereby appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration; and upon taking also such other oath or oaths as may now by law be required to be taken by any persons becoming members of such lay body corporate, or being admitted to hold any office or place of trust or profit within the same.

Such members of corporations not to vote in ecclesiastical appointments.

s. 15. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to authorize or empower any of his majesty's subjects professing the Roman Catholic religion, and being a member of any lay body cor-

porate, to give any vote at, or in any manner to join in the election, presentation, or appointment of any person to any ecclesiastical benefice whatsoever, or any office or place belonging to or connected with the united church of *England* and *Ireland*, or the church of *Scotland*, being in the gift, patronage, or disposal of such lay corporate body.

Not to extend to offices, &c. in the established church, or ecclesiastical courts, universities, colleges, or schools;

s. 16. Provided also, and be it enacted, That nothing in this act contained shall be construed to enable any persons, otherwise than as they are now by law enabled, to hold, enjoy, or exercise any office, place, or dignity of, in, or belonging to the united church of *England* and *Ireland*, or the church of *Scotland*, or any place or office whatever of, in, or belonging to any of the ecclesiastical courts of judicature of *England* and *Ireland* respectively, or any court of appeal from or review of the sentences of such courts, or of, in, or belonging to the commissary court of Edinburgh, or of, in, or belonging to any cathedral or collegiate or ecclesiastical establishment or foundation; or any office or place whatever of, in, or belonging to any of the universities of this realm; or any office or place whatever, and by whatever name the same may be called, of, in, or belonging to any of the colleges or halls of the said universities, or the colleges of Eton, Westminster, or Winchester, or any college or school within this realm; or to repeal, abrogate, or in any manner to interfere with any local statute ordinance, or rule, which is or shall be established by competent authority within any university, college, hall, or school, by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein: provided also, that nothing herein contained shall extend or be construed to extend to enable any person, otherwise than as he is now by law enabled, to exercise any right of presentation to any ecclesiastical benefice whatsoever; or to repeal, vary, or alter in any manner the laws now in force in respect to the right of presentation to any ecclesiastical benefice.

nor to presentations to benefices.

Proviso for presentations to benefices connected with offices.

s. 17. Provided always, and be it enacted, That where any right of presentation to any ecclesiastical benefice shall belong to any office in the gift or appointment of his majesty, his heirs or successors, and such office shall be held by a person professing the Roman Catholic religion, the right of presentation shall devolve upon and be exercised by the archbishop of Canterbury for the time being.

No Roman Catholic to advise the crown in the appointment to offices in the established church.

s. 18. And be it enacted, That it shall not be lawful for any person professing the Roman Catholic religion, directly or indirectly, to advise his majesty, his heirs or successors, or any person or persons holding or exercising the office of guardians of the united kingdom, or of regent of the united kingdom, under whatever name, style, or title, such office may be constituted, or the lord lieutenant, or lord deputy, or other chief governor or governors of Ireland, touching or concerning the appointment to or disposal of any office or preferment in the united church of *England* and *Ireland*, or in the church of *Scotland*; and if any such person shall offend in the premises,

he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanor, and disabled for ever from holding any office, civil or military, under the crown.

Time and manner of taking oaths for corporate offices.

s. 19. And be it enacted, That every person professing the Roman Catholic religion, who shall after the commencement of this act be placed, elected, or chosen in or to the office of mayor, provost, alderman, recorder, bailiff, town-clerk, magistrate, councillor, or common councilman, or in or to any office of magistracy or place of trust or employment relating to the government of any city, corporation, borough, burgh, or district within the united kingdom of *Great Britain* and *Ireland*, shall, within one calendar month next before or upon his admission into any of the same respectively, take and subscribe the oath hereinbefore appointed and set forth, in the presence of such person or persons respectively as by the charters or usages of the said respective cities, corporations, burghs, boroughs, or districts, ought to administer the oath for due execution of the said offices or places respectively; and in default of such, in the presence of two justices of the peace, councillors, or magistrates of the said cities, corporations, burghs, boroughs, or districts, if such there be; or otherwise in the presence of two justices of the peace of the respective counties, ridings, divisions, or franchises wherein the said cities, corporations, burghs, boroughs, or districts are; which said oath shall either be entered in a book, roll, or other record to be kept for that purpose, or shall be filed amongst the records of the city, corporation, burgh, borough, or district.

Time and manner of taking oaths for other offices.

s. 20. And be it enacted, That every person professing the Roman Catholic religion, who shall after the commencement of this act be appointed to any office or place of trust or profit under his majesty, his heirs or successors, shall within three calendar months next before such appointment, or otherwise shall, before he presumes to exercise, or enjoy, or in any manner to act in such office or place, take and subscribe the oath hereinbefore appointed and set forth, either in his majesty's high court of chancery, or in any of his majesty's courts of king's bench, common pleas, or exchequer, at *Westminster* or *Dublin*; or before any judge of assize, or in any court of general or quarter sessions of the peace in *Great Britain* or *Ireland*, for the county or place where the person so taking and subscribing the oath shall reside; or in any of his majesty's courts of session, justiciary, exchequer, or jury court, or in any sheriff or stewart court, or in any burgh court, or before the magistrates and councillors of any royal burgh in *Scotland*, between the hours of nine in the morning and four in the afternoon; and the proper officer of the court in which such oath shall be so taken and subscribed shall cause the same to be preserved amongst the records of the court; and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of two shillings and sixpence for the same; and such certificate shall be sufficient evidence

of the person therein named having duly taken and subscribed such oath.

Penalty on acting in offices without taking the oath.

s. 21. And be it enacted, That if any person professing the Roman Catholic religion shall enter upon the exercise or enjoyment of any office or place of trust or profit under his majesty, or of any other office or franchise, not having in the manner and at the times aforesaid taken and subscribed the oath hereinbefore appointed and set forth, then and in every such case such person shall forfeit to his majesty the sum of two hundred pounds; and the appointment of such person to the office, place, or franchise so by him held shall become altogether void, and the office, place, or franchise shall be deemed and taken to be vacant to all intents and purposes whatsoever.

Oaths by military and naval officers.

s. 22. Provided always, That for and notwithstanding any thing in this act contained, the oath hereinbefore appointed and set forth shall be taken by the officers in his majesty's land and sea service, professing the Roman Catholic religion, at the same times and in the same manner as the oaths and declarations now required by law are directed to be taken, and not otherwise.

No other oaths necessary to be taken by Roman Catholics.

s. 23. And be it further enacted, That from and after the passing of this act no oath or oaths shall be tendered to or required to be taken by his majesty's subjects professing the Roman Catholic religion, for enabling them to hold or enjoy any real or personal property, other than such as may by law be tendered to and required to be taken by his majesty's other subjects; and that the oath herein appointed and set forth, being taken and subscribed in any of the courts, or before any of the persons above mentioned, shall be of the same force and effect, to all intents and purposes, as, and shall stand in the place of, all oaths and declarations required or prescribed by any law now in force for the relief of his majesty's Roman Catholic subjects from any disabilities, incapacities, or penalties; and the proper officer of any of the courts above mentioned, in which any person professing the Roman Catholic religion shall demand to take and subscribe the oath herein appointed and set forth, is hereby authorized and required to administer the said oath to such person, and such officer shall make, sign and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of one shilling; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

Penalties how to be recovered.

s. 38. And be it further enacted, That all penalties imposed by this act shall and may be recovered as a debt due to his majesty, by information to be filed in the name of his majesty's attorney-general for *England* or for *Ireland*, as the case may be, in the courts of exchequer in *England* or *Ireland* respectively, or in the name of his majesty's advocate-general in the court of exchequer in *Scotland*.

No. 178.—10 Geo. IV. c. 8.

An Act to amend certain Acts of the Parliament of Ireland relative to the Election of Members to serve in Parliament, and to regulate the Qualification of Persons entitled to vote at the Election of Knights of the Shire in Ireland. A. D. 1829.

33 *H.* 8. (I.)

Whereas by an act of the parliament of *Ireland*, passed in the thirty-third year of the reign of king *Henry* the eighth, intituled, *An act for the adjournment of the parliament, and the place to hold the same, and what persons shall be chosen knights and burgesses*, it is amongst other things enacted, that every knight, citizen, and burgess for every parliament thereafter within the realm of *Ireland* to be summoned, appointed, or holden, shall be chosen and elected by the greater number of the inhabitants of the said counties, cities, and towns, being present at the said election by virtue of the king's writs for that intent addressed, and also that every elector of the said knights shall dispend and have lands and tenements of estate of freehold within the said counties at the least to the yearly value of 40s. over and above all charges: and whereas by an

35 *G.* 3. (I.)

act passed in the parliament of *Ireland*, in the thirty-fifth year of the reign of his late majesty king *George* the third, intituled, *An act for regulating the election of members to serve in parliament*, and for repealing the several acts therein mentioned, and also by subsequent acts, persons having freehold estates are required to register their freeholds in the manner therein prescribed, in order to qualify them to vote at elections for members to serve in parliament for counties in *Ireland*: And whereas it is expedient to increase the amount of the qualification necessary to entitle persons to vote at such elections, and to amend the laws now in force in *Ireland* relating to the registry of freeholds; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the commencement of this act that part of the said act of the thirty-third year of king *Henry* the eighth, hereinbefore recited, which relates to the amount or value of the freehold necessary to qualify persons to be electors of knights of the shire to serve in parliament for counties in *Ireland*, shall be and the same is hereby repealed.

So much of 33 *H.* 8. as relates to the qualification of electors for counties in *Ireland*, repealed.

No person to vote at any election of knight of the shire, unless he have a freehold estate of 10*l.* a year.

s. 2. And be it enacted, That from and after the commencement of this act no person shall be admitted to vote at any election of any knight of the shire to serve in the parliament of the united kingdom for any county in *Ireland* (save as hereinafter is provided), unless such person shall have an estate of freehold, in lands, tenements, or hereditaments in such county, of the clear yearly value of 10*l.* at the least, over and above all charges, except only public or parliamentary taxes, county, church, or parish cesses or rates, and cesses on any townland or division of any parish or barony.

s. 3. And be it enacted, That from and after the commencement of this act no person shall be admitted to vote at any election of a knight of the shire to serve in the parliament of the united kingdom for any county in *Ireland* by virtue or in respect of any estate of freehold of less annual value than 20*l.* of the late currency of *Ireland*, unless such freehold shall be registered pursuant to the provisions of this act, save only as hereinafter provided.

Nor unless such freehold, if under 20*l.* a year, be registered according to this act.

s. 4. And be it enacted, That after the commencement of this act a session for the purpose of registering freeholds within this act shall be holden in and for each county in *Ireland*, by and before the assistant barrister of such county, on such days and at such places in each such county respectively as the lord lieutenant or other chief governor or governors of *Ireland* shall appoint; and the clerk of the peace for each such county shall, forty days at the least before the day so appointed, cause to be posted in each market town therein notices, in the form specified in the first schedule to this act annexed, that such session, for the purpose of registering freeholds within this act, will be holden on the days and at the places so appointed, and that applications for that purpose will be then and there taken into consideration.

A session for registering freeholds to be holden in each county, at such days and places as the lord lieutenant shall appoint.

s. 5. And be it enacted, That every person intending to register a freehold at any such session shall give to the clerk of the peace for the county, notice in writing of such intention thirty clear days at the least before the day appointed for the holding of such session in the division of the county wherein such freehold is situate, and shall in such notice state, according to the form prescribed in the second schedule to this act annexed, his name and residence, the description of the lands, tenements, hereditaments, or rent-charge in respect of which such application is to be made, and whether he intends to register such freehold at the annual sum of twenty pounds or of ten pounds; and the clerk of the peace of each county shall enter all such notices, according to the order in which he shall receive them, in a list in the form specified in the third schedule to this act annexed, and shall, fifteen days at least before the day appointed for holding such session, cause a copy of such list to be published in some newspaper printed in such county, or in case no newspaper shall be therein printed, then in some newspaper printed in any adjoining county: Provided always, that no such list for the session to be first holden shall be liable to any stamp duty as an advertisement.

Notice to be given to clerk of the peace of applications to register.

s. 6. And be it enacted, That at each such session the names of the persons contained in such lists shall be severally called by the clerk of the peace; and each person so called, who shall claim to register any freehold at the annual sum of 20*l.* or of 10*l.*, shall produce in open court before such assistant barrister the deed, lease, or instrument, duly stamped, by virtue of which such person shall claim such freehold; or in case he shall not claim by virtue of any deed, lease, or instru-

Clerk of the peace to enter notices in a list, and publish such list in a newspaper. Proceedings at the session.

ment, then such person shall otherwise establish his title to such freehold; and such person shall also make it appear that a solvent and responsible tenant could afford to pay fairly and without collusion for the same the annual sum of 20*l.* or 10*l.*, as the case may be, as an additional rent, over and above all charges, save such as are hereinbefore excepted, and over and above any rent to which the person so claiming to register such freehold may be liable in respect of the same.

Assistant barrister to investigate the claim to register.

s. 7. And be it enacted, That such assistant barrister shall inspect and examine every deed, lease, or instrument so produced, and investigate the title so made, as also the title which any claimant shall in any other manner seek to establish, and shall determine whether the same is or is not sufficient to entitle the person claiming thereunder to an estate of freehold; and shall also examine and inquire, as well by the oath of the person so claiming as by any evidence offered either in support of or in opposition to such claim, whether a solvent and responsible tenant could afford to pay fairly and without collusion, as an additional rent for such freehold, the annual sum of 20*l.* or 10*l.*, as the case may be, over and above all charges, save such as are hereinbefore excepted, and over and above any rent to which the person so claiming may be liable in respect of the same; and shall also inquire by any of the means aforesaid into the truth of the several particulars required to be stated in the oath hereinafter prescribed to be taken for the registry of such freehold.

If the assistant barrister adjudge the claimant entitled, he shall take the oath hereby prescribed.

s. 8. And be it enacted, That if it shall appear to such assistant barrister that the person so claiming is entitled to register such freehold at the annual sum, within the meaning of this act, at which he shall claim to register the same, such assistant barrister shall and may so adjudge; and in such case the person so adjudged entitled shall, instead of the oath or oaths, affirmation or affirmations, now by law required in that behalf, take and subscribe before such assistant barrister the oath mentioned in the fourth schedule to this act annexed, where the freehold of such person shall be of the annual value of 20*l.*, not arising from a rent-charge, and where the same shall arise from a rent-charge, then the oath prescribed in the fifth schedule to this act annexed, and where the same shall be of the value of 10*l.*, then the oath prescribed in the sixth schedule to this act annexed.

Certificate of registry.

s. 9. And be it enacted, That the clerk of the peace shall thereupon, instead of the certificate of registry now by law required, deliver to the person so adjudged to be entitled a certificate, signed by such assistant barrister and by such clerk of the peace, stating that such person has duly registered a freehold in the county within which the same shall be situate at the annual sum so proved as aforesaid, and reciting the oath of such person on which such freehold has been registered, which certificate shall stand in place of and be of equal effect and authority, to all intents and purposes, as the certificate of registry now by law required.

Oath to be signed by the assistant barrister, and filed of record.

s. 10. And be it enacted, That every such oath shall be signed by the assistant barrister before whom the same shall be taken, and shall be by him delivered to the clerk of the peace, to be filed and kept amongst the records of the county; and such assistant barrister is hereby required to take care that such oath shall be agreeable to the form hereby prescribed; and no objection in point of form shall at any time hereafter be allowed to any such oath when so signed.

If claimant not entitled to register, the assistant barrister shall so adjudge, and and set forth the objection.

s. 11. And be it enacted, That in case it shall appear to such assistant barrister that the person claiming to register a freehold is not entitled to register the same, either in consequence of any objection to the deed, lease, or instrument so produced by him, or in consequence of any defect in the title to such freehold, or in consequence of insufficiency in the annual value of the freehold claimed, or in consequence of any objection relative to any of the matters to be stated in the oath hereby required to be taken for registering such freehold, such assistant barrister shall refuse to permit such person to register, and shall in that case make an order adjudging such person not to be entitled to register such freehold; and where any such order shall be founded upon insufficiency of value, it shall state such insufficiency as the ground of such order, or otherwise shall set forth the objection by reason whereof such person is adjudged to be not entitled so to register such freehold: Provided always, that such order shall be without prejudice to any future application to register such freehold which the person claiming the same shall think fit to make at any subsequent general or quarter sessions of the peace.

If order grounded on insufficiency of value, claimant may require a jury.

s. 12. And be it enacted, That if any person against whose claim any such order shall be made on the ground of insufficiency of value shall deem himself aggrieved thereby, it shall be lawful for such person to appeal therefrom to the judges of assize at the next assizes for the county within which the freehold which he claims to register shall be situate; and such judges of assize, or one of them, are and is hereby empowered and required to try and inquire, by the verdict of a jury, whether the freehold is of the annual value, within the meaning of this act, at which the claimant seeks to register such freehold; and such jury shall be returned by the same officer and in the same manner in which juries are now returned in cases of appeal from the decrees of the assistant barrister on civil bills, and shall take the oath prescribed by the seventh schedule to this act annexed; and if such jury shall give a verdict in favour of the claim to register, and the judge before whom the same shall be tried shall consider such claim to be in other respects well founded, the order so complained of shall be thereupon reversed.

Where registry is refused on any other ground, claimant may appeal to judge of assize.

s. 13. And be it enacted, That where any person against whose claim to register a freehold any order shall be made by the assistant barrister on any other ground than insufficiency of value shall consider himself aggrieved by such order, it

shall be lawful for such person to appeal from such order to the judges of assize at the next assizes for the county, and such judges of assize, or one of them, shall have power, on motion, to review such order, and either to affirm or reverse the same, as shall be fit.

Proceedings in case of reversal of order.

s. 14. And be it enacted, That in every case in which any order of any assistant barrister shall upon appeal be reversed, the judge of assize before whom the same shall have been heard, shall thereupon cause such oath to be taken and subscribed, and such certificate to be given, and shall sign the same respectively, in like manner as the assistant barrister is herein-before required to do, and shall cause such acts to be performed by the clerk of the peace or his deputy, and such proceedings to be had, as are hereinbefore directed and required when any freehold is registered at any sessions before the assistant barrister; and such oath and certificate, and such acts and proceedings, shall be of the like effect as if they had been taken, subscribed, given, performed, and had before the assistant barrister.

After the session hereby directed, freeholds may be registered at quarter sessions.

s. 15. And be it enacted, That after the termination of the session hereby directed to be first holden in any county in *Ireland* for the registering freeholds, it shall and may be lawful for any person desiring to register a freehold in such connty to register the same at a civil bill court to be held at any general or quarter sessions of the peace to be holden for such county, upon giving to the clerk of the peace a notice of his intention so to do, in the form hereinbefore provided, thirty clear days at the least before the day appointed for the holding of such general or quarter sessions in the division wherein such freehold shall be situate; and the clerk of the peace shall in each such case proceed in all respects in the same manner as hereinbefore prescribed with relation to applications for registering freeholds at the first session for that purpose hereby directed; and the assistant barrister of such county is hereby authorized and required to hear and determine such application at such general or quarter sessions in the same manner in all respects as is hereinbefore provided with respect to applications to register freeholds at the session for that purpose to be first holden under this act; and thereupon the same proceedings shall and may be had, the like orders made, the like oaths taken, the like certificates granted, the like rights and powers of appeal enjoyed and exercised, and the like rules, regulations, enactments, matters, and things observed, performed, and followed, as if such application had been made at the first session for registering freeholds directed to be held under this act.

Officers to attend sessions for registry.

s. 16. And be it enacted, That the sheriff of each county in *Ireland*, or his under-sheriff, and also the clerk of the peace for each such county, or his deputy, and the chief constable of the barony in which each and every such court of sessions shall be held, and such number of other constables as the as-

sistant barrister shall deem sufficient, shall attend the court from day to day during the continuance of each such session.

Sessions for registering freeholds to be deemed a court of record.

s. 17. And be it enacted, That every session to be held for registering freeholds within this act shall be deemed a court of record; and that it shall be lawful for every assistant barrister before whom such court shall be held, from time to time, as there shall be occasion, to fine the clerk of the peace or his deputy, or the sheriff or subsheriff of the county in which such court shall be held, and any chief or petty constable shall respectively be guilty of any breach of duty in the execution of this act, in any sum not exceeding 5*l.*, and at his discretion to fine in any sum not exceeding 40*s.*, or to commit to prison for any time not exceeding a fortnight, any person whatsoever who shall disturb the court so to be held by him for registering freeholds as aforesaid, or who shall be guilty of any other contempt of the said court.

Persons registered at first session exempt from fees.

s. 18. And be it enacted, That any person who at the commencement of this act shall be duly registered as a freeholder in *Ireland*, and who shall register a freehold at the session to be first holden in pursuance of this act, shall be exempt from the payment of any fee whatever for or in respect of such new registry.

Fee to clerk of the peace.

s. 19. And be it enacted, That the clerk of the peace shall be entitled to demand and have from every person claiming to register a freehold under this act, save as hereinbefore excepted, the sum of 2*s.* 6*d.* and no more.

Quakers or Moravians may affirm.

s. 20. And be it enacted, That in every case where any oath is by this act required to be taken, every person being a Quaker or Moravian may make affirmation in the form prescribed hereby for each such oath respectively, and that all provisions herein contained relative to any oath shall respectively extend and apply to every such affirmation.

False oath, perjury.

s. 21. And be it enacted, That if any person shall, in any oath or affirmation to be taken under this act, wilfully and corruptly swear or affirm falsely, such person shall be deemed guilty of perjury, and be liable to the same pains, penalties, and punishments as any person is now liable to for wilful and corrupt perjury.

Forgery of certificate or oath, felony.

s. 22. And be it enacted, That if any person shall forge or counterfeit the signature of any judge, assistant barrister, or clerk of the peace, to any order, certificate, or any instrument or writing purporting to be an order or a certificate within this act, or the signature of any person to any oath or affirmation within this act, or shall knowingly utter or publish as true and genuine any such forged or counterfeited order, certificate, instrument, writing, oath, or affirmation, every person so offending shall be deemed guilty of felony, and shall be liable, at the discretion of the court before whom he shall be tried, to be transported beyond the seas for the term of seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Penalty on persons refusing to give evidence.

s. 23. And be it enacted, That if any person shall refuse to be sworn or to give evidence before any judge, assistant barrister, or jury, upon the investigation of any such claim as aforesaid, without sufficient lawful excuse, to be allowed by such judge or assistant barrister, it shall be lawful for such assistant barrister to order such person to pay a fine, not exceeding 10*l.*, to be applied to the use of the county infirmary or such charitable institution as the assistant barrister shall think fit, or in default thereof to commit such person to the gaol of the county for any term not exceeding two calendar months.

Persons registering at first session entitled to vote immediately; other persons after six months.

s. 24. And be it enacted, That every person who shall duly register a freehold within this act at the first session hereinbefore mentioned shall be thereupon forthwith entitled to vote at any election to be held in and for the county for which such freehold shall be registered; and that any person who shall at any time after such first session duly register a freehold according to the provisions of this act shall be entitled to vote at any election to be held by virtue of any writ tested six calendar months at the least after such registry.

Freeholders of 50*l.* may register under this act, or in the law courts.

s. 25. And be it enacted, That it shall be lawful for any freeholder who may be entitled by law to register a freehold in any county in Ireland of the annual value of 50*l.*, and who shall not before the passing of this act have registered such freehold, to register such freehold by taking and subscribing the oath mentioned in the fourth schedule to this act annexed, either before the assistant barrister at quarter sessions, or in any of the superior law courts of record in Dublin, or before a judge at the assizes, in manner now by law authorized; and that the said oath shall be subscribed by the assistant barrister, or by one of the judges of the court before whom the same was taken, and being delivered to the clerk of the peace shall be signed by him and kept among the records of the county; and each such freeholder shall thereupon be entitled to receive, at any quarter sessions of the peace for the division of the county in which his freehold shall be situate, a certificate of his having duly registered the same, which certificate shall recite the oath taken and subscribed by such freeholder, and, being signed by the assistant barrister and clerk of the peace, shall be of equal validity and effect with any certificate to which such freeholder would now by law be entitled.

Where freeholds of 50*l.* or 20*l.* are registered prior to this act, no new registry required.

s. 26. And be it enacted, That where any freehold shall have been duly registered as being of the value of 50*l.* or of 20*l.* respectively, the registry whereof shall at the commencement of this act be a valid and unexpired registry according to the provisions of any act now in force, it shall not be necessary during the subsistence of such registry to register such freehold under the provisions of this act.

Registry contrary to this act invalid.

s. 27. And be it enacted, That no registry hereafter to be made of any freehold shall be valid, unless made conformably to the provisions of this act.

No person to vote unless freehold registered within eight years preceding the writ.

s. 28. And be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament by virtue of any freehold of less annual value than 50*l.*, registered under the provisions of this act, unless he shall have registered the same within eight years preceding the test of the writ for holding such election.

Duties of clerk of the peace.

s. 29. And be it enacted, That in case of any registry of a freehold within this act, the clerk of the peace for each county in Ireland shall keep the like books, make the like returns, and discharge and execute all other the like duties, matters, and things as he is now by law authorized, entitled, or required to do with respect to the registry of freeholds in such county, save so far as is otherwise ordained by this act; and that all matters and things now by law authorized or required for the due registration of such freeholds shall be in all respects done, performed, observed, and fulfilled, and all provisions, penalties, orders, rules, regulations, and conditions relating to the registration of such freeholds, and contained in any act or acts now in force, shall be used, applied, and enforced with respect to and shall be construed to extend to all freeholds to be registered under this act, as if the same had been herein enacted, save so far as is hereby otherwise provided.

Former enactments in force, save as hereby altered.

Laws in force respecting the registering of certain freeholders extended to those under this act.

s. 30. And be it enacted, That all laws now in force touching the registering of freeholders in counties at large of the annual value of fifty pounds, twenty pounds, and forty shillings respectively, and touching the polling of persons qualified to vote at elections for such counties by virtue of such freeholds, shall be and the same are hereby extended to freeholders of the annual value under this act of fifty pounds, twenty pounds, and ten pounds respectively, and that it shall be lawful to substitute the words ten pounds for forty shillings in all matters relating to such freeholds, as circumstances may require.

Freeholds in the county of *Dublin* may be registered before the chairman of the sessions.

s. 31. And be it enacted, That in the county of Dublin all freeholds to be registered under this act shall be registered before the chairman of the sessions for that county, in the same manner in all respects as before the assistant barrister in any other county; and such chairman shall have, exercise, perform, and discharge every power, jurisdiction, right, authority, duty and function hereby vested in or given to any such assistant barrister; and in any case where an appeal is hereby allowed from the order of an assistant barrister to the judges of assize, the like power of appeal from any order of such chairman shall and may, in the case of any freehold in the county of Dublin, be exercised and enjoyed to any of his majesty's superior law courts of record in Dublin; and the court to which any such appeal shall be made shall proceed with respect thereto in the same manner as any judge of assize is hereby authorized or required to proceed.

Enactments herein contained to extend to him.

s. 32. And be it enacted, That every enactment herein contained relative to any assistant barrister or judge of assize shall,

in the county of Dublin respectively, extend and apply to the chairman of the sessions of that county, and to his majesty's superior law courts of record.

Cork ridings deemed counties.

s. 33. And be it enacted, That each riding in the county of Cork shall be deemed to be a county for the purposes of this act.

Not to alter qualification of rent-charger.

s. 34. Provided always, and be it enacted, That nothing in this act contained shall extend or be construed to extend to alter or in any manner affect the qualification now by law required to entitle any person to vote at any election by virtue of any rent-charge.

Rectors, &c. not required to register.

s. 35. Provided also and be it enacted, That no rector, vicar, or curate shall be obliged to register his freehold arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election on account of his not having registered the same.

Assistant barristers to administer oaths.

s. 36. And be it enacted, That it shall be lawful for every assistant barrister to administer all such oaths as are by this act required to be taken or administered.

Expenses of notices, &c.

s. 37. And be it enacted, That the expenses of printing the notices and of the advertisements hereby directed shall be defrayed by the clerk of the peace in each county respectively; and the grand jury of each such county, or the term grand jury for the county of *Dublin*, as the case may be, are hereby respectively required, at the next assizes or presenting term after such notices and advertisements, to present, to be levied off their respective counties in the same manner as other sums are authorized to be presented by such grand juries, all such sums as shall have been necessarily disbursed by such clerks of the peace respectively, which sums shall be paid to such clerks of the peace.

Notice of termination of first session of registry.

s. 38. And be it enacted, That when the session herein directed to be first holden for the purpose of registering freeholds shall have terminated in any county, the lord lieutenant or other chief governor or governors of Ireland shall cause notice thereof to be inserted in the *Dublin Gazette*; and that in case of a vacancy in the representation of any such county in this present parliament before the publication of such notice of the termination of the session for such county, no writ shall issue for the holding of an election of a knight of the shire for such county until after the publication of such notice.

In case of dissolution of parliament, old freeholders may vote if no notice has been published.

s. 39. Provided always, and be it enacted, That if after the commencement of this act, and before the publication of such notice of the termination of the said first session in any county in *Ireland*, any election shall take place in pursuance of any writ issued for the election of members to serve in any new parliament for such county, every person who would have been entitled to vote at any such election in case this act had not been made shall be entitled to vote at the election to be holden in pursuance of any such writ; any thing in this act contained notwithstanding.

Assistant bar-

s. 40. And be it enacted, That in case any exigency shall

render it necessary for any assistant barrister to adjourn any session for the registry of freeholders so appointed to be first holden, it shall be lawful for him to adjourn and continue the same as circumstances may require.

Barristers may adjourn sessions if necessary.

s. 41. And be it enacted, That it shall be lawful for the lord lieutenant or other chief governor of *Ireland*, by order or warrant under his hand, to direct the payment, out of the consolidated fund, of such sum as he or they shall deem sufficient to remunerate each assistant barrister and clerk of the peace for his attendance at the sessions to be first holden in pursuance of this act.

Assistant barristers to be remunerated.

s. 42. And be it enacted, That this act shall commence from and after the day next after the passing of this act.

Commencement of act.

s. 43. And be it further enacted, That this act may be amended, altered, or repealed by any act or acts to be passed in this present session of parliament.

Act may be amended.

SCHEDULES REFERRED TO IN THIS ACT.

SCHEDULE I.

Form of Notice of holding the first Session for Registering Freeholds under this Act.

County of } NOTICE is hereby given, That a session for the purpose of regisering freeholds in and for the said county, pursuant to an act passed in the tenth year of the reign of king *George* the Fourth, will be holden on the day of next, at , and on the day of at , and on the day of at in the said county, before the assistant barrister, at which times and places applications to register freeholds in the several divisions of the said county respectively will be taken into consideration.

Dated this day of

G.

Clerk of the peace for the said county.

SCHEDULE II.

Form of Notice to be given to the Clerk of the Peace of Applications to register Freeholds.

Take notice, that it is my intention to apply to register a freehold in the county of the particulars whereof are as follows:

Name and Residence of Applicant.	Description of Freehold, with the Names of Barony and Townland in which it is situate.	Yearly Value to be registered.

SCHEDULE III.

List of Applications to be entered by the Clerk of the Peace.

No.	Name and Residence of Applicant.	Description of Freehold, with the Names of Barony and Townland in which it is situate.	Yearly Value to be registered.

SCHEDULE IV.

Oath of a Freeholder registering a Freehold of the value of Fifty Pounds [or *Twenty Pounds*, as the case may be,] *not arising from a Rent-charge.*

I, *A. B.* of in the county of do swear, That I am a freeholder of the county of and that I have a freehold therein, arising from a house [or houses, lands, or both, or other hereditaments, as the case may be,] of the clear yearly value of fifty pounds [or twenty pounds, as the case may be,] above all charges payable out of the same, lying and being at [naming the townland or townlands, and barony or baronies, half-barony or half-baronies, wherein the freehold is situate, in the said county,] and that a solvent and responsible tenant could afford to pay for the same, as an additional rent, fairly and without collusion, the annual sum of fifty pounds, [or twenty pounds, as the case may be,] as I verily believe, over and above any rent which I am liable to pay for the same, and over and above all other charges, except only public or parliamentary taxes, county, church, or parish cesses, or rates and cesses on any townland or division of any parish or barony; and that the said freehold does not arise from a rent-charge; and that I have not accepted or procured the said freehold fraudulently, nor in exchange for any freehold in any other county; and that I do not hold the said freehold by virtue of any lease, deed, or instrument executed or made after the first day of July one thousand eight hundred and twenty-three, to any person or persons, jointly, in common, or in partnership.

So help me God.

SCHEDULE V.

Oath to be taken by a Rent-charger.

I, *A. B.* of in the county of do swear, That I am a freeholder in the county of and that I have a freehold therein of the clear yearly value of twenty pounds at the least, above all charges payable out of the same, consisting of a rent-charge granted by deed bearing date the day of in the year on the lands of [naming the lands mentioned in such deed, and the barony or baronies, half-barony or half-baronies, wherein the same lie,] and that I am in the possession thereof to the clear amount of twenty pounds yearly, and am entitled to receive the same, as it becomes due, to and for my own sole use and benefit; and that I have not procured or accepted the same fraudulently, nor in exchange for a freehold in any other county. So help me God.

SCHEDULE VI.

Oath of a Freeholder registering a Freehold of the annual Value of Ten Pounds.

I, *E. F.* of in the county of do swear, That I am a freeholder in the county of

and that I have a freehold therein, arising from a house, [or houses, land, or both, or other hereditaments, as the case may be,] of the clear yearly value of ten pounds above all charges payable out of the same, except only public or parliamentary taxes, county, church, or parish cesses or rates, and cesses on any townland or division of any parish or barony, lying and being at [naming the townland or townlands or other denomination by which the place is generally known, and the barony or half-barony or baronies wherein it is situate,] in this county, and that a solvent, and responsible tenant could, as I verily believe, afford to pay for the same, as an additional rent, fairly and without collusion, the annual sum of ten pounds, over and above all rent to which I am liable in respect thereof, and that the said freehold does not arise from a rent-charge, and that the same arises by virtue of the deed, lease, and instrument which I now produce, bearing date the day of in the year [or otherwise, stating the nature of the title, as the case may be,] and that I am in the actual occupation thereof by residing thereon, [or by tilling, or by grazing, or by both tilling and grazing, as the case may be; and where the freehold is held under any deed, lease, or instrument, adding these words, 'and that the said freehold is not let or agreed to be let to the person or persons who executed the said deed or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, nor do I intend to let the same or any part thereof to such person or persons, or any of them, and that I have not agreed to let it for the term for which I hold it,'] and that I have not procured or accepted the said freehold fraudulently, nor in exchange for a freehold in any other county, and that I do not hold my said freehold by virtue of any lease, deed, or other instrument executed or made after the first day of July one thousand eight hundred and twenty-three, to any person or persons jointly, in common, or in partnership.

So help me God.

SCHEDULE VII.

Oath of a Juror.

You shall well and truly try whether the lands, tenements, or hereditaments in respect of which *C. D.* claims to register a freehold in the county of are or are not of the clear yearly value of ten pounds [or twenty pounds, as the case may be,] over and above all charges payable out of the same, except only public or parliamentary taxes, county, church, or parish cesses, or rates and cesses on any townland or division of any parish or barony, and whether a solvent and responsible tenant could afford to pay for the same, fairly and without collusion, as an additional rent, the said annual sum, over and above any rents to which the said *C. D.* is liable in respect of such freehold, and a true verdict give according to the evidence. So help you God.

10 Geo. IV. c. 44.

An Act for improving the Police in and near the Metropolis.
9th June, 1829.

No justice, &c. under this act to sit in parliament.

s. 18. And be it enacted, that no justice of the peace or receiver appointed by virtue of this act shall, during the continuance of such appointment, be capable of being elected or of sitting as a member of the House of Commons; and no justice, receiver, or person belonging to the police force appointed by virtue of this act shall, during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in parliament for the counties of *Middlesex*, *Surrey*, *Hertford*, *Essex*, or *Kent*, or for any city or borough within the metropolitan police district, nor shall by, word, message, writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member to serve in parliament for any such county, city, or borough; and if such justice, receiver, or person belonging to the police force shall offend therein, he shall forfeit the sum of one hundred pounds, to be recovered, by any person who will sue for the same, by action of debt, to be commenced within six calendar months after the commission of the offence; and one moiety of the sum so recovered shall be paid to the informer, and the other moiety thereof to the receiver appointed under this act, to be by him added to and applied as part of the funds for the purposes of the police under this act: provided always, that nothing in this enactment contained shall subject any such justice, receiver, or person belonging to the police force, to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duty.

No justice, receiver, policeman, &c. appointed under this act to vote at certain elections.

Penalty 100*l.*

Proviso.

10 Geo. IV. c. 50.

An Act to consolidate and amend the Laws relating to the management and improvement of His Majesty's woods, forests, parks, and chases; of the land revenue of the crown within the survey of the Exchequer in England; *and of the land revenue of the crown in* Ireland; *and for extending certain provisions relating to the same to the Isles of* Man *and* Alderney.
19th June, 1829.

One commissioner to sit in parliament.

s. 21. And be it further enacted, that any one of the said commissioners of his Majesty's woods, forests, and land revenues for the time being may sit and vote as a member of the House of Commons of the united parliament of *Great Britain* and

Ireland, any thing in any act or acts to the contrary notwithstanding: provided always, that only one of such commissioners shall be capable of sitting at the same time.

10 Geo. IV. c. 62.

An Act to exclude persons accepting offices in the East Indies from being members of the House of Commons.

24*th June*, 1829.

6 Anne. c. 7.

'Whereas by an act passed in the sixth year of the reign of Queen *Anne*, intituled *an act for the security of her Majestys person and government, and for the succession to the crown of* Great Britain *in the Protestant line*, it is amongst other things enacted, that no person who should be a governor or deputy governor of any of the plantations should be capable of being elected, or of sitting or voting as a member of the House of Commons: And whereas doubts have been entertained how far the provisions of the said act extend to persons holding the office of governor general or of governor of any of the settlements or presidencies under the authority of the *East India* Company, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, that no person who shall be hereafter appointed governor or deputy governor of any of the settlements, presidencies, territories, or plantations of the said *East India* Company, shall be capable of being elected, or of sitting or voting as a member of the House of Commons, while he shall continue to hold such office.

No person appointed governor, &c. in India, shall be capable of sitting in the House of Commons.

Election of such person declared void.

II. And be it further enacted, that if any person hereby declared to be incapable to sit or vote as a member of the House of Commons shall nevertheless be returned as a member to serve in parliament, such election and return are hereby enacted and declared to be void; and if any person declared by this act incapable of being elected shall sit or vote as a member of the House of Commons, such person so sitting or voting shall forfeit the sum of five hundred pounds to such person or persons who shall sue for the same in any of his Majesty's courts at *Westminster*; and the money so forfeited shall be recovered by the person so suing, with full costs of suit, in any of the said courts, by action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Penalty on persons so sitting and voting.

1 WILL. IV. c. 8.

An Act for enabling His Majesty to appoint a Post-Master General for the United Kingdom of Great Britain *and* Ireland. *(a.)*

11*th March*, 1832.

[This act recites the 9th *Anne*, *G. B. c.* 10; 23, 24, *Geo. III. Ir. c.* 13; and the act of union.]

Postmaster general, his deputies and agents to be subject to the same penalties as provisions of former acts.

s. 2. And be it further enacted, that the agent and agents of the said postmaster general for the time being in *Great Britain*, *Ireland*, and elsewhere, shall have all the powers, privileges, rights, immunities, benefits, and authorities, and the said postmaster general for the time being, his deputy and deputies, agent and agents, shall be subject to all the like regulations, directions, restrictions, penalties, punishments and liabilities, in all respects, as he or they was or were or would have been by law subject or liable to under or by virtue of the acts in force concerning the post offices of *Great Britain* and *Ireland* immediately before the passing of this act, in case such separate postmasters general had been nominated and appointed.

After expiration of the present patents, all officers to be appointed by the postmaster general.

s. 3. And be it further enacted, that when and as the several patents granted under and by virtue of the said in part recited act of the twenty-third and twenty-fourth years of the reign of his late Majesty King *George* the Third to the present secretary, accountant general, and resident surveyor of the general post office in *Dublin*, and the comptroller of the sorting office thereof, or any or either of such patents, shall be revoked or otherwise determined, every future secretary, accountant general, and resident surveyor of the said general post office in *Dublin*, and every future comptroller of the sorting office thereof, shall be appointed by and during the pleasure of his Majesty's postmaster general for the time being.

1, 2 WILL. IV. c. 9. *(b)*

An Act to repeal so much of certain Acts as requires certain Oaths to be taken by Members of the House of Commons before the Lord Steward or his Deputies.

30*th July* 1831.

WHEREAS by an act passed in the fifth year of the reign of her late Majesty Queen *Elizabeth*, intituled *An Act for the Assurance of the Queen's Royal Power over all Estates and* 5 Eliz. c. 1.

(*a*) See the 43 Geo. III. c. 25.

(*b*) Several statutes made in the parliaments of *England* and *Great Britain* relating to the oaths to be taken by members of parliament were collected in Part I. of this Appendix *Nos.* 19 to 21, *pp.* 14 to 26.

7 Jac. 1. c. 6.

Subjects within Her Dominions; and by another act passed in the seventh year of the reign of his late Majesty King *James* the First, intituled *An Act for administering the Oath of Al-*

The Editor afterwards considered it necessary to add others which are inserted at the commencement of Part III. of this Appendix *Nos.* 90 *to* 92, *pp.* 151 *to* 158.

He now finds it requisite to add the following. He has no apology to offer but the facts, that the subject was altogether new to him, the enactments numerous, involved, and no where collected or methodised, and the time for preparing the extracts for the press very short.

1 Eliz. Eng. c. 1.

An Act to restore to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all Foreign powers repugnant to the same.

Who are compellable to take the oath. Ecclesiastical persons and officers, judge, justice, mayor, temporal officer. He that hath the Queen's fee.

s. 19. And for the better observation and maintenance of this act, may it please your highness that it may be further enacted by the authority aforesaid, that all and every archbishop, bishop, and all and every other ecclesiastical person, and other ecclesiastical officer and minister, of what estate, dignity, preminence or degree soever he or they be, or shall be, and all and every temporal judge, justice, mayor and other lay or temporal officer and minister, and every other person, having your highness's fee or wages within this realm, or any your highness's dominions, shall make, take and receive a corporal oath upon the Evangelists, before such person or persons as shall please your highness, your heirs or successors, under the Great Seal of *England*, to assign and name to accept and take the same according to the tenor and effect hereafter following; that is to say, [then follows the oath for the Queen's supremacy.

The penalty for refusing the oath.

s. 20. And that it may also be enacted, that if any archbishop, bishop, or other ecclesiastical officer or minister, or any of the said temporal judges, justiciaries, or other lay officer or minister, shall peremptorily or obstinately refuse to take or receive the said oath, that then he so refusing, shall forfeit and lose only during his life, all and every ecclesiastical and spiritual promotion, benefice and office, and every temporal and lay promotion and office, which he hath solely at the time of such refusal made; and that the whole title, interest and incumbency, in every such promotion, benefice, and other office; as against such person only so refusing, during his life, shall clearly cease and be void, as though the party so refusing were dead.

s. 21. And that also all and every such person and persons so refusing to take the said oath, shall immediately after such refusal, be from thenceforth during his life, disabled to retain or exercise any office or other promotion which he at the time of such refusal hath jointly, or in common with any other person or persons.

5 Eliz. Eng. c. 1.

An Act for the assurance of the Queen's Royal Power over all Estates and Subjects within her dominions.

Every knight, citizen and burgess of the parliament shall take the said oath before the Lord Steward or his deputy.

s. 16. And be it further enacted, that every person which hereafter shall be elected or appointed a knight, citizen or burgess, or baron for any of the five ports, for the parliament or parliaments hereafter to be holden, shall from henceforth, before he shall enter into the parliament house, or have any voice there, openly receive and pronounce the said oath before the Lord Steward for the time being, or his deputy or deputies for that time to be appointed: and that he which shall enter into the parliament house without taking the said oath, shall be deemed no knight, citizen, burgess, nor baron for that parliament, nor shall have any voice, but shall be to all intents constructions and purposes, as if he had never been returned nor elected knight, citizen, burgess or baron for that parliament, and shall suffer such pains and penalties, as if he had presumed to sit in the same without election, return or authority.

None of or above the degree of a baron, shall

s. 17. Provided alway, that forasmuch as the Queen's Majesty is otherwise sufficiently assured of the faith and loyalty of the temporal lords of her high court of parliament; therefore this act, nor any thing

legiance and Reformation of married women Recusants; and by another act passed in the first year of the reign of their late Majesties King *William* and Queen *Mary*, intituled, *An Act* 1 W. & M. c. 8.

therein contained, shall not extend to compel any temporal person, of or above the degree of a baron of this realm, to take or pronounce the oath aforesaid, nor to incur any penalty limited by this act, for not taking, or refusing the same; any thing in this act to the contrary in anywise notwithstanding. be compelled to take the said oath.

1 WILL. & M. ENG. SESS. 1. c. 1.

An Act for removing and preventing all questions and disputes concerning the assembling and sitting of this present Parliament, A. D. 1688.

s. 3. And be it further enacted by the authority aforesaid, that the act made in the thirtieth year of King *Charles* the Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*, and all other acts of parliament, as to so much of the said act or acts only, as concerns the taking the oaths of supremacy and allegiance, or either of them, in the said act or acts respectively mentioned, by any member or members of either house of parliament, with relation to their sitting and voting in parliament, shall be, and are hereby repealed to all intents and purposes; any thing in the said recited act or acts to the contrary notwithstanding. The old oaths of allegiance, &c. not to be taken by members, 30 Car. II. stat. 2, c. 1.

s. 4. And be it further enacted that the taking the oaths herein-after mentioned, and the making, subscribing, and repeating the declaration in the said act of the thirtieth year of King *Charles* the Second, mentioned, by every member of either house of this present parliament, from and after the first day of *March* next ensuing, in such manner as the taking the said oaths of allegiance and supremacy, and the making, subscribing and repeating the said declaration in the last mentioned act are required, shall be good and effectual to all intents and purposes, as if the said oaths of allegiance and supremacy had been taken, and the said declaration had been made, subscribed, and repeated in such manner, and at such time, as by the said act or acts, or any of them, they are required: and that, in all future parliaments, the oaths herein-after mentioned, and the declaration in the said act, made in the thirtieth year of King *Charles* the Second, mentioned, shall be taken, made, subscribed, and repeated by every member of either house of parliament, within the time, and in the same manner and form, and under the same penalties and disabilities, as the oaths of allegiance and supremacy, and the said declaration, by the said act of the thirtieth year of King *Charles* the Second are limited, ordained, and appointed to be taken, made, subscribed, and repeated, and not at any other time, or in any other manner, to enable them to sit and vote in parliament; any thing in the said act or acts, or any of them, to the contrary notwithstanding. New oaths substituted in the place of the old.

s. 5. And it is hereby further enacted and declared by the authority aforesaid, that the oaths above appointed by this act, to be taken in the stead and place of the oaths of allegiance and supremacy, shall be in the words following, and no other. The oaths.

s. 6. I *A. B.* do swear, that I will be faithful, and bear true allegiance to their Majesties King *William* and Queen *Mary*.

So help me God. Allegiance.

s. 7. I *A. B.* do swear, that I do from my heart abhor, detest, and abjure that damnable doctrine and position, *that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever.* And I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any power, jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.

So help me God. Supremacy.

for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths; it is provided and enacted, that every person who should thereafter be elected or appointed a knight, citizen, or burgess, or baron for any of the five ports, for any parliament thereafter to be holden, before he shall enter the parliament house, or have any voice there, shall openly receive and pronounce the oaths required by the said recited acts to be taken before the lord steward for the time being or his deputy or deputies; And whereas by another act passed in the thirtieth year of the reign of King *Charles* the Second, intituled *An Act for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament,* and by the said recited act passed in the first year of the reign of their late Majesties King *William* and Queen *Mary,* it is provided and enacted, that no person that should thereafter be a member of the House of Commons, or sit there during any debate after the speaker should be chosen, until such member should solemnly at the table in the middle of the said house, and whilst a full house was there duly sitting with the Speaker in their chair, take the same oaths so required by the said first-recited acts to be taken before the Lord Steward or his deputies: and whereas such repetition of the same oaths is unnecessary and inexpedient;' be it therefore enacted, that so much of the said recited acts as requires the

30 Car. 2, st. 2. c. 1.

Repealing so much of recited

[The title &c. which will be found *Ante No.* 20, *p.* 24, *s.* 1. prescribes certain forms of oaths, and amongst the rest an abjuration oath, for which another was substituted by the 6 *Geo.* III. *c.* 53, see *Ante No.* 21 *p.* 25.]

No member of either house of parliament capable of voting until after he has taken the abjuration.

s. 16. And be it further enacted by the authority aforesaid, that from and after the twenty-ninth day of *September* in the year of our Lord one thousand seven hundred and fifteen, no person that now is, or hereafter shall be a peer of this realm, or member of the House of Peers, shall vote, or make his proxy in the House of Peers, or sit there, during any debate in the said House of Peers; nor any person that now is, or hereafter shall be a member of the House of Commons, shall vote in the House of Commons, or sit there during any debate in the said House of Commons, after the Speaker is chosen; until such Peer or member shall from time to time respectively take the abjuration-oath aforesaid, instead of the oath of abjuration which before by law ought to have been taken, in such manner, and together with such other oaths, and declaration against transubstantiation, as the said former oath of abjuration ought to have been taken.

Punishment of members presuming to vote, &c.

s. 17. And be it further enacted, that if any person that now is, or hereafter shall be a peer of this realm, or member of the House of Peers, or member of the House of Commons, in this or any succeeding parliament, and after the said twenty-ninth day of *September* presume to vote, or make his proxy, not having taken the said oath, and subscribed the same, as aforesaid, every such peer or member so offending shall be disabled to sue, or use any action, bill, plaint, or information in any court of equity, or to be guardian of any child, or executor or administrator of any person, or be capable of any legacy or deed of gift, or to be in any office within this realm of *Great Britain,* or to vote at any election for members to serve in parliament, and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by action of debt, suit, bill, plaint, or information, in any of his Majesty's courts at *Westminster,* wherein no essoin, protection, or wager of law shall lie, or any more than one imparlance, and by way of one summary complaint before the court of sessions, or prosecution before the court of justiciary in *Scotland.*

said oaths to be so received, pronounced, and taken by such knights, citizens, burgesses, and barons, before the Lord Steward for the time being, or his deputy or deputies, shall be and is hereby repealed. acts as requires the oaths to be taken by members before the Lord Steward.

1, 2 WILL. IV. c. 17.

An Act to provide for the better Order and Government of Ireland, *by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein.*

23*d August* 1831.

s. 16. And be it enacted, that all and every the provisions of the said recited act of the forty-ninth year of the reign of King *George* the Third, and of any and every other act or acts in force before the passing of this act for regulating the appointment and qualification of persons to be appointed officers of militia, and prescribing the duties, obligations, and authorities of such persons, shall be alike valid and effectual, as respects all persons to be or who shall be at any time appointed officers of militia under or by authority of this act, or any commission derived therefrom, and apply to all such persons, as if the same had been herein specifically mentioned and re-enacted, save only as respects the power and authority of the Lord Lieutenant or other chief governor or governors of *Ireland* to appoint the colonels of militia, and of the colonels of militia to appoint the lieutenant-colonel and other inferior officers. Provisions of 45 G. III. c. 120. to extend to persons appointed under this act, except as to the appointment of officers by colonels.

1, 2 WILL. IV. c. 49.

An Act to repeal so much of an act passed in Ireland *in the fourth year of King* George *the First, for the better regulating the town of* Galway, *and for strengthening the Protestant interest therein, as limits the franchise created by the said Act to Protestants only.*

15*th October*, 1831.

WHEREAS an act was passed in the parliament of *Ireland* in the fourth year of the reign of his late Majesty King *George* the First, intituled *an act for the better regulating the town of* Galway, *and for strengthening the Protestant interest therein*, whereby it is amongst other things enacted, that all and every person and persons who profess him or themselves of any trade, mystery, or handicraft, that do or shall come to inhabit, dwell, or reside in the said town of *Galway* in order to follow their respective trades, shall and he and they are thereby declared to be free of the town and corporation of *Galway*, and also of that company and corporation to which their respective trades belong, without paying any thing for their freedom; and it is 4 G. I. c. 15. s. 5. (I.)

thereby further enacted, that such person or persons shall continue freemen of such corporation or company as long as he or they inhabit or dwell in the said town, and no longer, and shall be exempted and freed from all corporation taxes and fines for not serving as beadle for the space of seven years next after his or their coming to inhabit in the said town: And whereas it is by the said recited act of the parliament of *Ireland* further provided, that no person or persons are to have the benefit of their freedoms aforesaid unless he or they have been professed Protestants for seven years or upwards next before his or their demanding their freedoms pursuant to the said act, and shall also take the usual oaths of freemen, and also the oaths of allegiance, supremacy, and abjuration, and make and subscribe the declaration commonly called the declaration against transubstantiation, before the mayor of the town: And whereas by an act passed in the parliament of the United Kingdom, in the tenth year of the reign of his late Majesty, intituled *An Act for the Relief of his Majesty's Roman Catholic Subjects*, after reciting that by various acts of parliament certain restraints and disabilities were imposed on the Roman Catholic subjects of his Majesty to which other subjects of his Majesty were not liable, and that it was expedient that such restraints and disabilities should be thenceforth discontinued; and after reciting further, that by various acts certain oaths, and certain declarations, commonly called the declaration against transubstantiation, and the invocation of saints, and the sacrifice of the Mass, as practised in the church of *Rome*, are or may be required to be taken, made, and subscribed by the subjects of his Majesty, as qualifications for sitting and voting in parliament, and for the enjoyment of certain offices, franchises, and civil rights; it was enacted, that from and after the commencement of the said recited act of the parliament of the United Kingdom, all such parts of the said acts as require the said declarations, or either of them, to be made or subscribed by any of his Majesty's subjects as a qualification for sitting and voting in parliament, or for the exercise or enjoyment of any office, franchise, or civil right, be and the same were (save as in the said act thereafter provided and excepted) thereby repealed: And whereas it is expedient, in conformity to the provisions of the said recited act of the parliament of the United Kingdom, to amend the said recited act of the parliament of *Ireland* so as to place the Roman Catholics of the town of *Galway* on an equality with his Majesty's other subjects as regards the freedom of the said town and corporation of *Galway*, and of any company and corporation therein; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act so much of the said recited act of the parliament of *Ireland* as requires that persons claiming their freedom, or being admitted thereunto under the said act, shall have been professed

4 G. 1. c. 15. s. 6. (I.)

10 G. 4. c. 7.

So much of recited act of 4 G. 1. as relates to persons claiming their freedom repealed.

Protestants for seven years or upwards next before their claiming their freedom, shall be and the same is hereby repealed.

Oaths to be taken by persons on taking their freedom.

s. 2. Provided always, and be it further enacted, that from and after the passing of this act every Roman Catholic who shall at any time claim or be admitted to the freedom of the said town and corporation of *Galway*, or of any company or corporation therein, under the provisions of the said recited act of the parliament of *Ireland*, shall, in addition to the usual oaths of a freeman, take the oath set forth in the said recited act of the parliament of the United Kingdom; and that the said last-mentioned oath, which the mayor of the said town of *Galway* is hereby empowered and required to administer, shall be taken instead of the oaths of allegiance, supremacy, and abjuration, and of the declaration against transubstantiation, required by the said recited act of the parliament of *Ireland*.

Empowering Roman Catholics to take up their freedom, &c.

s. 3. And be it further enacted, that every Roman Catholic subject of his Majesty, who under the said herein-before recited act of the parliament of *Ireland* would have been, at or before the passing of this act, entitled to the freedom of the town and corporation of *Galway*, had he been a professed Protestant as aforesaid, shall from and after the passing of this act be deemed and taken to be entitled thereto without taking or subscribing the oaths of allegiance and abjuration, or making and subscribing the declaration against transubstantiation, but shall, instead of the said oaths and declaration, take and subscribe the said oath set forth in the said act of the parliament of the United Kingdom, before the mayor of the said town of *Galway*, who is hereby empowered and required to administer the same.

1, 2 WILL. IV. c. 52. (*a*.)

An Act to repeal an Act passed in the fifty-second year of the reign of His Majesty King George *the Third, to provide for the more speedy examination, controuling, and finally auditing the military accounts of* Ireland.

20*th October*, 1831.

WHEREAS an act was passed in the fifty second year of the reign of his Majesty King *George* the Third, intituled *an act for the more speedy examination, controuling, and finally auditing the military accounts of* Ireland: and whereas it is expedient that the said act should be repealed; be it therefore enacted, 52 G. 3. c. 51.

(*a*) This repeal escaped the editor until after the enactment, *ante* p. 226 had gone to press. The 1, 2 *Will. IV. c.* 26 makes acts by a limited number of commissioners under the 52 *Geo. III. c.* 52, and the 56 *Geo. III. c.* 98, void, but does not vary the provisions extracted, *ante* pp. 226 and 235.

Recited act repealed, except as to matters done and penalties incurred under same.

&c. that the said act shall be and the same is hereby repealed, save and except always as to all acts, matters, and things done under the authority of the said recited act, and all fines, penalties, and forfeitures arising or incurred during the continuance of the said act, which shall remain and continue valid and effectual to all intents and purposes, and may be recovered under the orders of the secretary at war, as if the said recited act had been repealed.

1, 2 Will. IV. c. 56 (*b*)

An Act to establish a Court in Bankruptcy.
20*th October*, 1831.

Judges and officers under this act ineligible to sit in parliament.

s. 60. And be it enacted, that no judge, commissioner, registrar, or deputy registrar, secretary of bankrupts, or official assignee, or other officer to be appointed by virtue of this act, shall during their respective continuance in such offices be capable of being elected or of sitting as a member of the House of Commons.

2, 3 Will. IV. c. 1.

An Act for uniting the Office of the Surveyor-General of his Majesty's Woods, Forests, and Land Revenues; and for other purposes relating to the Land Revenues.
13th *February*, 1832.

One commissioner may be a member of the House of Commons.

s. 11. And be it further enacted, that one of the said commissioners of his Majesty's woods, forests, land revenues, works, and buildings, for the time being, and no more, shall be capable of sitting and voting as a member of the House of Commons of the United Parliament of *Great Britain* and *Ireland;* and that no person appointed a commissioner under this act upon the first appointment of such commissioners, and who shall at the time be a commissioner of his Majesty's woods, forests, and land revenues, shall be deemed or taken to have accepted an office of profit from the Crown within the meaning of an act passed in the sixth year of the reign of her late Majesty Queen *Ann*, intituled *An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of* Great Britain, *in the Protestant Line.*

6 Anne c. 7.

(*b*) This act does not extend to *Scotland* or *Ireland* except where the same are expressly mentioned or referred to; s. 41.

2, 3 WILL. IV. c. 24.

An Act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the time limited for those purposes respectively until the twenty-fifth day of March *one thousand eight hundred and thirty-three; to permit such persons in* Great Britain *as have omitted to make and file affidavits of the execution of indentures of clerks to Attornies and Solicitors to make and file the same on or before the first day of* Hilary *Term one thousand eight hundred and thirty-three; and to allow persons to make and file such affidavits, although the persons whom they served shall have neglected to take out their Annual Certificates.*

9th April, 1832.

Admissions to corporations may be stamped after time allowed by law.

s. 5. 'And whereas the appointment of divers clerks of the peace, town-clerks, and other public officers, and the admission of divers members and officers of cities, corporations, and borough towns in *Great Britain* and *Ireland*, or the entries of such admissions in the court books, rolls, or records of such cities, corporations, and borough towns, which by several acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid;' be it further enacted, that for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons in *Great Britain* and *Ireland*, on or before the twenty-fifth day of *March* one thousand eight hundred and thirty-three, to provide or cause to be provided appointments and admissions, or entries of admissions as aforesaid, duly stamped; or in case where such appointments, admissions, or entries of admissions as aforesaid, have been made or provided but not duly stamped, to produce such appointments, admissions, or entries of admissions as aforesaid, to the commissioners appointed to inspect and manage the revenues of the stamp duties, to be duly stamped; which such commissioners are hereby authorised and empowered and required to duly stamp, on payment of double the amount of the duties first payable, or to have been paid on such appointments, admissions, or entries of admissions as aforesaid, without any other fine or forfeiture thereon; and in order to denote the said duties, the said commissioners are hereby authorised and empowered to use such stamps as shall have been heretofore provided to denote any former duties on stamped vellum, parchment, and paper, or to cause new stamps to be provided for that purpose, and to do all other things necessary for putting this act in execution, in the like and in as full and ample a manner as they or the major part of them are authorised to put in execution any former law concerning stamped vellum, parchment, and paper; and such persons so

so providing appointments, admissions, or entries of admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town-clerk, or other public officer, or member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes; and shall and may hold and enjoy and execute such offices, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors, in such cities, corporations, or borough towns as aforesaid; and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same.

2, 3 Will. IV. c. 40.

An Act to amend the law relating to the business of the civil departments of the Navy, and to make other regulations for more effectually carrying on the duties of the said departments.
1*st June*, 1832.

Whereas his Majesty, by his royal letters patent under the great seal, bearing date the second day of *November* one thousand eight hundred and thirty one, was pleased to constitute and appoint certain persons therein named to be principal officers and commissioners of his Majesty's navy, and by other letters patent under the great seal, bearing date the twenty-fifth day of *February* one thousand eight hundred and thirty-one, was pleased to constitute and appoint certain other persons therein named commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen: and whereas it has been deemed expedient that the number of offices in the civil departments of the navy should be reduced, and to this end that the offices or departments of the principal officers and commissioners of his Majesty's navy, and of the commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen should be abolished: and whereas various duties of the said commissioners being established and regulated by divers acts of parliament, it is requisite that such acts should in some cases be altered, and new provisions made for the due execution of the said duties: be it therefore enacted, &c. that in case his Majesty shall be pleased to cancel and revoke the said letters patent by which the said several persons were respectively constituted and appointed principal officers and commissioners of the navy, and commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen, as aforesaid, all the interests, titles, authorities, powers, and duties vested in the said respective commissioners by any act or acts

In case his Majesty shall revoke the appointments of the commissioners of the navy and for victualing, the powers and authorities

of parliament, and every matter relating to them and their respective offices, shall from and after such revocation be and the same are hereby declared to be transferred to the commissioners for executing the office of Lord High Admiral of the united kingdom of *Great Britain* and *Ireland* for the time being, and shall be vested in and exercised by them in as full and ample a manner, to all intents and purposes, as if they had been named in the said acts instead of the commissioners of his Majesty's navy, and the commissioners for victualling his Majesty's navy and for the care of sick and wounded seamen respectively, subject however to the provisions herein-after established: provided always, that such transfer shall not be deemed to confer on the aforesaid any new office within the meaning of an act passed in the sixth year of the reign of her Majesty Queen *Anne*, intituled *an act for the security of her Majesty's person and government, and of the succession to the crown of* Great Britain *in the Protestant line;* nor shall any such commissioner last mentioned, by taking upon himself, under any new letters patent which his Majesty may think fit to cause to be issued, the duties of the offices so abolished, be disqualified from sitting and voting in parliament, or thereby vacate the seat in parliament which any such commissioner may then hold; any thing contained in the said act of Queen *Anne*, or in any other act, or any usage of parliament, to the contrary notwithstanding; but it is nevertheless hereby declared, that from and after the passing of this act no greater number than five commissioners of the admiralty shall be competent at any one time to sit and vote in the commons house of parliament.

vested in them by any statutes shall be transferred to the admiralty.

Commissioners of the admiralty not thereby disqualified from sitting in parliament.

2, 3 WILL. IV. c. 45.

An Act to amend the Representation of the People of England and Wales. 17*th June*, 1832.

s. 29. And be it enacted, that the premises in respect of the occupation of which any person shall be entitled to be registered in any year, and to vote at the election for any city or borough as aforesaid, shall not be required to be the same premises, but may be different premises occupied in immediate succession by such person during the twelve calendar months next previous to the last day of *July* in such year, each person having paid, on or before the twentieth day of *July* in such year, all the poor's rates and assessed taxes which shall previously to the sixth day of *April* then next preceding have become payable from him in respect of all premises so occupied by him in succession.

Provision as to premises occupied in succession.

s. 29. And be it enacted, that where any premises as aforesaid, in any such city borough, or in any place sharing in the election therewith, shall be jointly occupied by more persons than one as owners or tenants, each of such joint occupiers shall, subject to the conditions herein-before contained as to persons occuping premises in any such city, borough, or place, be entitled to vote in the election for such city or borough, in

As to joint occupiers.

respect of the premises so jointly occupied, in case the clear yearly value of such premises shall be of an amount which, when divided by the number of such occupiers, shall give a sum of not less than ten pounds for each and every such occupier, but not otherwise.

Correctness of the register to be questionable before a committee of the House of Commons.

s. Provided also and be it enacted, that upon petition to the House of Common; complaining of an undue election or return of any member or members to serve in parliament, any petitioner, or any person defending such election or return, shall be at liberty to impeach the correctness of the register of voters in force at the time of such election, by proving that in consequence of the decision of the barrister who shall have revised the list of voters from which such register shall have been formed, the name of any person who voted at such election was improperly inserted or retained in such register, or the name of any person who tendered his vote at such election improperly omitted from such register; and the select committee appointed for the trial of such petition shall alter the poll taken at such election according to the truth of the case, and shall report their determination thereupon to the House, and the House shall thereupon carry such determination into effect, and the return shall be amended, or the election declared void, as the case may be, and the register corrected accordingly, or such other order shall be made as to the House shall seem proper.

2, 3 Will. iv. c. 63.

An Act to enable Peers of Scotland *to take and subscribe in* Ireland *the oaths required for qualifying them to vote in any election of the Peers of* Scotland. 11*th July*, 1832.

2, 3 Will. iv. c. 64.

An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs in England *and* Wales, *in so far as respects the Election of Members to serve in Parliament.* 11*th July*, 1832.

2, 3 Will. IV. c. 65.

An Act to Amend the Representation of the People of Scotland. 17*th July* 1832.

Provision as to premises occupied in succession, and as to joint occupants.

s. 12. And be it enacted, that the premises in respect of which any person shall be deemed entitled to be registered, and to vote in the election for any city, burgh, or town, or district, shall not be required to have been the same premises for the whole twelve months of his occupancy, but may be different premises (but always of the requisite value) occupied in succession by such person; provided always, that such person shall have paid all the assessed taxes legally exigible from him in respect of all such premises; and that where such premises shall be of the yearly value of twenty pounds or upwards, and shall be jointly occupied by more than one person, each of such joint occupiers shall be entitled to be registered and to vote, provided his share and interest in the same shall be of the yearly value of ten pounds or upwards.

No. 196.—2, 3 WILL. IV. c. 88.

An Act to amend the Representation of the People of Ireland. *7th August,* 1832.

WHEREAS it is expedient to extend the elective franchise to many of his Majesty's subjects in *Ireland* who have not heretofore enjoyed the same, and to increase the number of representatives for certain cities and boroughs in that part of the United Kingdom, and to diminish the expenses of elections therein; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, in addition to the persons now by law qualified to vote at the election of knights of the shire for the several counties in *Ireland*, every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years, whether determinable on a life, or lives, or not, and having a beneficial interest therein of the clear yearly value of not less than ten pounds over and above all rent and charges, or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than fourteen years, whether determinable on a life, or lives, or not, and having a beneficial interest therein of the clear yearly value of not less than twenty pounds, over and above all rent and charges, or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years, and having a beneficial interest therein of the clear yearly value of not less than ten pounds over and above all rent and charges, shall be entitled to vote in the election of a knight or knights of the shire for the county in which such lands or tenements shall respectively be situate: provided always, that no person, being such lessee or assignee of such term of twenty years, and no person, being only a sub-lessee, or the assignee of any underlease, shall have a right to vote in respect of any such term of sixty years, or fourteen, or twenty years, as aforesaid, unless he shall be in the actual occupation of the premises; and provided also, that any renewal or new lease of the same premises, for the same rent and for a term not less than such original term, shall for the purposes of this act be deemed to be a continuance of the same qualification as aforesaid.

Right of voting in counties at large extended to Lease-holders.

s. 2. And be it enacted, that every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any lands or tenements of copyhold tenure, for his life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not

And to Copyholders.

less than ten pounds over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament for the county in which such lands or tenements shall be respectively situate.

Not to affect present voters in counties.

s. 3. And be it enacted, that nothing in this act contained shall take away or in any manner affect the rights of voting for knights of the shire at present enjoyed by or which may hereafter accrue to any person by virtue of any law now in force, except so far as herein specially provided.

No vote out of house, warehouse, counting-house or shop, or land therewith, occupied in a county, which give a right to vote in a city, town, or borough.

s. 4. And be it enacted, that notwithstanding any thing herein contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament in respect of his estate or interest in any house, warehouse, counting-house, or shop occupied by himself, or in any land occupied by himself together with any house, warehouse, counting-house, or shop, such house, warehouse, counting-house, or shop being, either separately, or jointly with the land so occupied therewith, of such value as would, according to the provisions herein-after contained, confer on him the right of voting for any city, town, or borough, whether he shall or shall not have actually acquired the right to vote for such city, town, or borough in respect thereof.

Right of voting in counties of cities, and counties of towns.

s. 5. And be it enacted, that in every city or town, being a county of a city or county of a town by itself, and which shall return a member or members to serve in any future parliament, in addition to the persons now by law qualified to vote at the election of such member or members, every male person of full age, and not subject to any legal incapacity, who shall be

10*l.* freeholders.

seised at law or in equity of any freehold estate in any lands or tenements within such city or town, and shall be in the actual occupation thereof, and who shall have a beneficial interest therein of the clear yearly value of ten pounds at the least above all rent and charges payable out of the same,

10*l.* and 20*l.* leaseholders.

or who shall hold as lessee or assignee any lands or tenements within such city or town, for such term, of such value, and subject to such provisions as would under this act, if such lands or tenements were situate in a county at large without the limits of such city or town, entitle such person to register his vote for such county, or who shall hold and occupy within such city or

10*l.* householders.

town, as tenant or owner, any house, warehouse, counting-house, or shop, which, either separately, or jointly with any land within such city or town occupied therewith by him as tenant under the same landlord, or occupied therewith by him as owner, shall be *bonâ fide* of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions of this act, be entitled to vote in the election of a member or members to serve in any future parliament for such city or town: provided always, that no such occupier as last above mentioned shall be admitted to be registered under this act unless he shall have occupied such premises as aforesaid for six calendar months next previous to the time of

his registry, nor unless such occupier shall have paid or discharged all such grand jury and municipal cesses, rates, and taxes, if any, as shall have become legally due and payable by him in respect of such premises, over and above and except one half year's amount of such cesses, rates, and taxes aforesaid.

No freehold of less than 10*l.* yearly value to give a vote in a city or town:

s. 6. And be it enacted, that from and after the commencement of this act no person, save as herein is provided, shall be registered or admitted to vote as a freeholder at any election of any member or members to serve in any future parliament for any county of a city, or county of a town in *Ireland*, unless such person shall have an estate of freehold in lands, tenements, or hereditaments, in such county of a city, or county of a town, of the clear yearly value of ten pounds at the least, above all charges, any law or statute to the contrary notwithstanding: provided always, that nothing in this act contained shall prevent any person now being a forty-shilling freeholder entitled to register as such from retaining (so long as he shall continue to be seised of the same lands or tenements) the right of voting in such election in respect thereof, if duly registered according to the provisions of this act.

saving of 40*s.* freeholders now entitled to register.

Right of voting in boroughs.

10*l.* householders.

s. 7. And be it enacted, that at all elections of a member or members to serve in any future parliament for any city, town, or borough in *Ireland*, not being a county in itself, every male person of full age, and not subject to any legal incapacity, and duly registered according to the provisions of this act, who shall hold and occupy within such city, town, or borough, as tenant or owner, any house, warehouse, counting-house, or shop, which, either separately, or jointly with any land within such city, town, or borough occupied therewith by him as tenant under the same landlord, or occupied therewith by him as owner, shall be *bonâ fide* of the clear yearly value of not less than ten pounds, shall be entitled to vote in the choice of a member or members to serve in any future parliament for such city, town, or borough; provided always, that no such occupier as last aforesaid shall be admitted to be registered under this act unless he shall have occupied such premises as aforesaid for six calendar months next previous to the time of registry, nor unless such occupier shall have paid or discharged all such grand jury and municipal cesses, rates, and taxes, if any, as shall have become legally due and payable by him in respect of such premises, over and above and except one half year's amount of such cesses, rates, and taxes aforesaid.

In what case only a freehold under 10*l.* value is to give a vote.

s. 8. Provided nevertheless, and be it enacted, that notwithstanding any thing herein-before contained, no person shall be entitled to vote in the election of a member or members to serve in any future parliament, for any city or town, or county of a city or town, in respect of any estate or interest in any freehold under the yearly value of ten pounds which shall have been acquired by such person since the first day of *March* one thousand eight hundred and thirty-one, unless the same shall have come to or been acquired by such person since that day,

and previously to the passing of this act, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office.

Saving for freemen and others now entitled to vote.

s. 9. Provided always, and be it enacted, that all freemen, freeholders, and persons who by reason of any corporate or other right are now by law entitled to vote at the election of a member or members to serve in parliament for any city, town, or borough, and all persons who, by reason of birth, marriage, or service, or of any statute now in force, shall be at any time hereafter admitted to their freedom in any city, town, or borough sending a member or members to parliament, shall, after such registration as is directed by this act, but so long only as they shall reside within the said city, town, or borough, or within seven statute miles of the usual place of election therein, have and enjoy such right of voting as fully and in like manner as if this act had not been passed: provided further, that no persons who since the thirtieth day of *March* in the year one thousand eight hundred and thirty-one have been or hereafter shall be admitted as honorary freemen shall be entitled by virtue of such admission to vote or register as freemen under this act.

Residence.

Exception as to honorary freemen.

Taxes and rates not to be deemed a charge payable out of an estate.

s. 10. And be it further enacted, that no public or parliamentary tax, county, church, or parish cess or rate, or any cess or rate upon any townland, or division of any parish, barony, or half barony, shall be deemed a charge payable out of any estate or tenement within the meaning of this act.

Additional members.

s. 11. And be it enacted, that the city of *Limerick*, the city of *Waterford*, the borough of *Belfast*, the county of the town of *Galway*, and the University of *Dublin* shall each respectively return one member to serve in each future parliament, in addition to the member which each of the said places is now by law entitled to return.

Boundaries of cities, towns, and boroughs defined.

s. 12. And be it enacted, that each of the cities, towns, and boroughs, returning a member or members to serve in parliament shall, for the purposes of this act, include the place or places respectively which shall be comprehended within the boundaries of each of the said cities, towns, and boroughs respectively, as such boundaries shall be settled by an act to be passed for that purpose in this present parliament, which act, when passed, shall be deemed and taken to be part of this act as fully and effectually as if the same were incorporated herewith; provided always, that until the passing of said last-mentioned act all such cities, towns, and boroughs shall, for the purposes of this act, be deemed and taken to be comprehended within the same limits and boundaries as before the passing of this act.

No unregistered person to vote.

s. 13. And be it enacted, that no person shall be admitted to vote at any election of a member or members to serve in any future parliament for any county, city, town, or borough in *Ireland*, the University of *Dublin* excepted, unless such person shall have been qualified as aforesaid, and duly registered under this act; and that no person shall be so registered in respect of

any lands, tenements, or hereditaments, unless he shall have been in the actual possession thereof, or in receipt of the rents, issues, or profits thereof, for his own use, as the case may require, for six calendar months next previous to his registry under this act; provided always, that when any lands, tenements, or hereditaments, which would otherwise entitle the owner, holder, or possessor thereof, to vote in any such election, shall come to any person, at any time within six months next before such registry, by descent, succession, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled, in respect thereof, to be registered as a voter at the registry for such county, city, town, and borough respectively then next to be had by virtue of this act.

Six calendar months' possession required before registry.

Exception as to property coming by descent, &c.

s. 14. And be it further enacted, that after the commencement of this act a special session, for the purpose of registering votes for each county, city, town, and borough in *Ireland*, having the right to send a member or members to parliament (the borough of the University of *Dublin* only excepted), shall be holden in each such county by and before the assistant barrister or chairman of such county, and in each such city, town, and borough respectively, by and before the assistant barristers in the schedule (A.) hereunto annexed mentioned, on such day or days, and at such places respectively, as the Lord Lieutenant, or other chief governor or governors of *Ireland* shall appoint; and the clerk of the peace in and for each such county, city, town, and borough, or his deputy, shall, thirty days at the least before the day respectively so appointed, cause to be posted, in conspicuous places within each such county, city, town, and borough respectively, notices that such session for the purposes of registering the names of voters under this act for such county, city, town, or borough, will be held on the days and at the places so appointed, and that applications for that purpose will be then and there taken into consideration.

A special session for registering voters to be holden for each county, city, town, and borough, at such days and places as the Lord Lieutenant shall appoint. Notice thereof by clerk of the peace.

s. 15. And be it enacted, that every person intending to apply at such session to be registered as a voter for any county, city, town, or borough shall, twenty clear days at the least before the first day appointed for holding such sessions respectively, give or cause to be given a notice in writing of such his intention to the clerk of the peace, or his deputy, acting for such county, city, town, or borough, or to the high constable of the barony within which the property to be registered is situate; and the high constable shall, without delay, transmit all notices so given to him to the clerk of the peace; and such person so intending to register shall in such notice state his name and residence, the right in respect of which he intends to apply, and the nature of the qualification relied upon by him as entitling him to be so registered; and such clerk of the peace, or his deputy, shall thereupon enter all such notices according to the order in which he shall receive them, and shall, ten days at least before the day appointed for holding such session, cause alphabetical lists of such voters to be printed and circulated, and to be posted in conspicuous places throughout such county, city,

Notice to be given to clerk of the peace of intention to register.

town, or borough; and no such list shall be liable to any stamp duty.

Proceedings at the special sessions.

s. 16. And be it enacted, that at such special session the clerk of the peace, or his deputy, shall call the names of the persons contained in such list in alphabetical order, and shall again twice at the least during such sessions call over the names of all such persons as did not appear upon such first calling, and that each claimant's case shall be heard in the order of his appearance; and each person so called shall produce in open court the deed, lease, or instrument, if any, duly stamped, by virtue of which he shall claim a right to be registered, or shall, by his own oath, or otherwise as the assistant barrister shall require, sufficiently account for the non-production thereof; or if he shall not claim by virtue of a deed, lease, or instrument, or is disabled from producing such deed, lease, or instrument, then such person shall otherwise establish his right to be registered as such voter, pursuant to his said notice, according to the provisions of this act; and such person, if claiming as a freeholder or leaseholder or householder, shall also make it appear that the property in respect of which he seeks to be so registered is of the value and nature by this act prescribed, and that he is otherwise duly qualified to be registered according to the provisions of this act; provided always, that no person shall be bound to produce the title deeds of any landlord under whom he may hold or derive, or make proof of such title, and that possession and perception of rent shall be deemed *primâ facie* evidence of such landlord's title.

Assistant barrister to investigate claims to register.

s. 17. And be it enacted, that the assistant barrister or chairman shall inspect and examine every deed, lease, or instrument so produced, and shall investigate the claim made thereunder, or otherwise, to be registered, and shall determine upon the validity or invalidity of such claim, and shall and may examine and inquire, as well by the oaths of the claimants as by any other evidence offered in support of, or in opposition to, such claim, whether such claimant is or is not to be registered as a voter for the county, city, town, or borough, to which his claim shall relate, and in case of any claim in respect of the freehold, leasehold, or household property, whether the same be of the value and nature respectively hereby prescribed and required, and shall also inquire, by any of the means aforesaid, as he shall think fit, into the truth of the several particulars required by the provisions of this act, or required to be stated in any oath by such claimant herein-after prescribed to be taken for such registry.

Who may oppose a claim to register.

s. 18. Provided always, and be it further enacted, that no person shall be received as the opposer of any claimant to register at such sessions who shall not be himself either a registered voter for such county, city, town, or borough, or a person who has served a notice to register as a voter at the same sessions, or some counsel, attorney, or agent duly authorised by such voter or claimant to appear for him or on his behalf.

s. 19. And be it enacted, that if such assistant barrister or chairman shall deem such claimant to be entitled under this act to be registered as a voter for the county, city, town, or borough, to which his claim shall relate, and not be subject to any legal disqualification, such barrister or chairman shall so declare and adjudge; and the person so declared entitled shall verify his title by affidavit, and shall take and subscribe (as the case may be) the oath stated in the schedule (C.) to this act annexed, instead of any oath or oaths which by the law now in being he would be liable to take or subscribe.

If the assistant barrister adjudge the claimant entitled, he shall take the oath or affirmation hereby prescribed.

s. 20. And be it enacted, that every such affidavit shall be signed by the barrister or chairman before whom the same shall be taken, and shall be by him delivered to the clerk of the peace or his deputy, as the case may be, to be filed and kept amongst the records of the county, city, town, or borough; and such barrister is hereby required to take care that such oaths shall be agreeable to the form hereby prescribed, or as near thereto as may be; and no objection in point of form shall at any time hereafter be allowed to any such oath, when signed.

Affidavit of registry to be signed by the assistant barrister, and to be filed of record.

s. 21. And be it enacted, that in case it shall appear to such barrister or chairman that any person claiming to be registered as a voter for any county, city, town, or borough is not entitled so to be registered, such barrister or chairman shall refuse to permit such person to be registered, and shall make an order accordingly; and when such refusal shall be on the ground of insufficiency of value, the order of refusal shall state such insufficiency as the ground of such order, or otherwise shall state the objection by reason whereof the claimant has been adjudged not to be entitled to be registered; provided always, that such order shall be without prejudice to any future application to be registered which the person so rejected shall think fit to make at any subsequent general quarter sessions of the peace.

If claimant not entitled to register, assistant barrister shall so adjudge, and set forth the objection.

s. 22. Provided always, and be it enacted, that a certificate of registry made pursuant to the laws in force in *Ireland* previous to the passing of this act shall be deemed and taken to be *primâ facie* evidence of the right to be registered; and that any person having given notice of his intention to register as by this act required, shall, upon producing or causing to be produced such certificate at the session for that purpose to be held, be entitled and admitted to register his vote and obtain his certificate under this act, without further proof or oath, unless cause to the contrary shall appear, and without any fee or charge; and in cases where a certificate of registry shall not be produced, or in case it shall appear expedient, it shall be lawful for the assistant barrister or chairman presiding at the sessions to be holden for the purpose of registering votes under this act to refer to any original affidavit or affirmation, or transcript or record thereof, or any entry thereof in the book or books which, by virtue of the laws now in force in *Ireland*, the clerks of the peace or town clerks throughout *Ireland* are authorized or required to make or keep; and in case the said assistant barrister or chairman shall be satisfied, on inspection thereof, that such

Production of certificate of registry under existing law to entitle claimant to certificate under this act, without oath or further evidence.

affirmations or affidavits or entries are correct, it shall not be necessary for him further to inquire into the right of voting claimed thereunder, but he shall and may direct and allow the same to be registered, and the claimant to have his certificate under this act, without oath or further proof, unless cause to the contrary shall appear, and without any fee or charge.

40*s.* and 5*l.* householders to give proof of qualification, if required.

s. 23. Provided always, and be it further enacted, that all forty shilling freeholders and five-pound householders claiming a right to be registered under this act shall appear in person before the assistant barrister at the sessions, to be examined on oath by such barrister touching such their claim to be registered, and they shall, if required by such barrister, make proof of the nature and sufficiency of their qualification to be so registered, and shall, upon such proof being made, and also proof of identity, be admitted or rejected accordingly.

Where adjudication against claimant is founded on insufficiency of value, claimant may appeal to judges of assize, and have the question tried by a jury.

s. 24. And be it enacted, that if any person against whose claim any such order shall be made on the ground of insufficiency of value shall deem himself aggrieved thereby, it shall be lawful for such person to appeal therefrom to the judges of assize at the next assizes for the county, city, town, or place within which the property in right whereof such person claims to register such vote shall be situate; and such judges of assize, or one of them, are and is hereby empowered and required to try and inquire by the verdict of a jury whether such property is of the annual value within the meaning of this act at which the claimant seeks to register such vote; and such jury shall be returned by the same officer and in the same manner in which juries are now returned in cases of appeal from the decrees of assistant barristers on civil bills; and if such jury shall give a verdict in favour of the claim to register, and the judge before whom the same shall be tried shall consider such claim to be in other respects well founded, the order so complained of shall be thereupon reversed, and the claimant be declared and adjudged entitled to be registered as a voter under this act; and such adjudication shall have the same effect to all intents and purposes as if the same had been made by such assistant barrister or chairman at the sessions aforesaid.

When registry is refused on any other ground, the claimant may appeal to judges of assize.

s. 25. And be it enacted, that where any person, against whose claim to register as a voter at elections for any county, city, or town or place, any order shall be made by the assistant barrister or chairman on any other ground than insufficiency of value, shall consider himself aggrieved by such order, it shall be lawful for such person to appeal from such order to the judges of assize at the next assizes to be holden for the same county, city, town, or place; and such judges of assize, or one of them shall have power, on motion, to review such order, and either to affirm or reverse the same, as shall be fit, and thereupon to adjudicate; and which adjudication shall have the same effect, to all intents and purposes, as if the said adjudication had been made by such assistant barrister or chairman at the sessions aforesaid.

Proceedings in case of reversal of order.

s. 26. And be it enacted, that in every case in which an order of an assistant barrister or chairman shall, upon appeal, be reversed, the judge before whom the same shall have been heard shall thereupon cause such oath to be taken and subscribed, and such certificate to be given, and shall sign the same respectively, in like manner, as the assistant barrister is hereinbefore required to do, and shall cause such acts to be performed by the clerk of the peace or his deputy, and such proceedings to be had, as herein-before directed and required when any voter is registered at any sessions before the assistant barrister or chairman; and such oath and certificate, and such acts and proceedings, shall be of the like effect as if they had been taken, subscribed, given, performed, and had before the assistant barrister or chairman.

After the special sessions hereby directed voters may be registered at general or quarter sessions.

s. 27. And be it enacted, that after the determination of the session hereby directed to be first holden for the registry of voters for counties, cities, towns, and boroughs, it shall be lawful for any person claiming a right so to be registered to apply for that purpose at any sessions of the peace or adjournment thereof to be held by and before the assistant barrister or chairman of the proper county, and by and before the assistant barrister or chairman by the said schedule (A.) to this act annexed authorised to register voters for such city, town, or borough, upon giving to the clerk of the peace a notice of his intention so to do, in the form herein provided, twenty clear days at the least before the day appointed for the holding of such general or quarter session, and if within a county at large, in the division within which the freehold or leasehold interest intended to be registered shall be situate; and the clerk of the peace or his deputy shall in such case proceed in all respects in the same manner as herein-before prescribed with relation to applications for registering voters at the first session for that purpose, hereby directed; and the assistant barrister of such county, or chairman, is hereby authorized and required to hear and determine such applications at such general or quarter sessions, and at the commencement of such sessions, and before any other business, civil or criminal, in the same manner in all respects as is hereinbefore provided with respect to applications to register at the sessions for that purpose to be first holden under this act; and thereupon the same proceedings shall and may be had, the like orders made, the like oaths taken, the like certificates granted, the like rights and powers of appeal enjoyed and exercised, and the like rules and regulations, enactments and things, observed, performed, and followed, as if such application had been made at the first session for registering votes directed to be held under this act; provided always, that a certificate of a former registry under this act shall be deemed and taken to be *primâ facie* evidence of the right of voting; and that any person, having given notice of his intention to register anew under this act, shall, upon producing or causing to be produced such former certificate at the sessions for that purpose to be held, be entitled and admitted to register his vote, and to obtain a new

certificate under this act, without further proof or oath, unless cause to the contrary shall appear, and shall by virtue of such new certificate be entitled to vote at any election or elections to be held within eight years next after the obtaining of such new certificate.

Certificate of registry to be given to each registered voter.

s. 28. And be it enacted, that upon any person being under this act declared entitled to be registered as a voter, the clerk of the peace or his deputy shall, upon payment to him of the sum of one shilling, give to the person so declared entitled a certificate on parchment, signed by such clerk of the peace or his deputy, as also by the barrister, chairman, or judge, declaring such right, that such person has been registered as a voter for such county, city, town, or borough, and the character and right in which he has been so registered, and the date of such registry as aforesaid, and shall then and there make an entry of such certificate at the foot of the voter's affidavit of registry, and sign his name to such entry; and which certificate shall be the proper evidence of the right of the person named therein to vote: provided always, that in the absence of such certificate, the voter shall be entitled to refer to his original affidavit of registry, with the entry thereon, in the hands of the deputy clerk of the peace, and which original affidavit such deputy is required immediately to produce to the returning officer or his deputy.

Voters registering at first sessions to be entitled to vote immediately, others after six months.

s. 29. And be it enacted, that every person who shall duly register as a voter within this act at the first session for registering his vote within this act shall be thereupon forthwith entitled to vote at any election to be held in and for the county, city, town, or borough for which such voter shall be registered; and that any person who shall at any time after such first session duly register his vote according to the provisions of this act shall be entitled to vote at any election to be held by virtue of any writ tested six calendar months at least after such registry.

Clerk of the peace to appoint a deputy to be present at each polling place.

s. 30. And be it further enacted, that the clerk of the peace at every election of a member to serve in parliament for any county, city, town, or borough, shall appoint, or in failure thereof the returning officer or officers shall appoint, a deputy clerk of the peace, and likewise an assistant to such deputy, to be present in each booth or place of polling, who shall take with him into such place of polling all the original affidavits and affirmations which have been made by the persons capable of voting in such place of polling respectively, any act to the contrary notwithstanding; which affidavits or affirmations the clerk of the peace is hereby required to have arranged alphabetically in separate parcels, (one or more for each letter of the alphabet) and indorsed with the names of the persons by whom the same were respectively made, and also with the number of the entry of affidavit or affirmation in the registry book; and that in those cases wherein a certificate of registry shall not be produced by the person tendering his vote or offering to poll, such deputy shall, on the demand of the person offering to poll, produce the

original affidavit or affirmation of the registry of such person; and that such deputy clerk of the peace shall be entitled to receive the sum of ten shillings, and no more, for each day of his attendance, any act to the contrary notwithstanding; and such assistant to such deputy shall be entitled to receive the sum of five shillings for each day of his attendance; and that if such deputy, or such assistant to such deputy, shall alter, deface, destroy, or lose any affidavit or affirmation of registry committed to his care, he shall forfeit the sum of ten pounds for every such offence to any person suing for the same, by action of debt, at any general quarter sessions of the peace.

No person to vote unless registered within eight years.

s. 31. And be it enacted, that no person shall be admitted to vote at any election of a member or members to serve in any future parliament, by virtue of any registry under this act, unless he shall have registered within eight years next before such election.

Registry contrary to this act invalid.

s. 32. And be it enacted, that no registry hereafter to be made shall be valid unless made conformably to the provisions of this act.

Assistant barristers may adjourn sessions if necessary.

s. 33. And be it enacted, that in case any exigency shall render it necessary for any assistant barrister or chairman to adjourn any session for the registry of votes so appointed to be holden, or in case he shall be so directed by the Lord Lieutenant, it shall be lawful for him to adjourn and continue the same, as circumstances may require, either to the same place, or to such other place or places as the Lord Lieutenant shall direct.

Persons registering to be exempt from fees, but 1s. to the clerk of the peace.

s. 34. And be it enacted, that any person registering under this act shall be exempted from the payment of any fee whatever for filling the certificate or other duty in respect of such registry, save only such fee of one shilling to the clerk of the peace as by this act is provided.

Clerk of the peace yearly to make out alphabetical list of voters.

s. 35. And be it further enacted, that the clerk of the peace for each county, city, town, and borough returning a member or members to parliament shall, under the direction and with the advice of the chairman or barrister, as the case may be, on or before the first day of *February* in each and every year, examine, correct, and make out complete alphabetical lists of the registered voters in each county, city, town, and borough in which he has acted in making such registry as aforesaid, with the dates of their registries respectively annexed, and shall, at the expense of such county, city, town, and borough respectively, on or before the said first day of *February* in each year, cause such lists to be printed, and posted in some conspicuous places in the counties, cities, towns, and boroughs to which such lists respectively relate, and shall also deliver to any person applying for the same a copy of each such printed list, upon being paid one shilling for each such copy.

Expenses of printing lists and of posting and publication, to be defrayed by the county, &c.

s. 36. And be it enacted, that the expenses of printing the notices and postings hereby directed shall be defrayed by the clerk of the peace in such county, city, and town respectively; and the grand jury of each such county, city, and town, as the

case may be, are hereby required, at the next assizes, or presenting term after such notices and postings, to present to be levied off their respective counties, in the same manner as other sums are authorised to be presented by such grand juries, all such sums as shall have been necessarily disbursed by such clerks of the peace respectively, which sums shall be paid to such clerks of the peace.

In what case barrister, &c. ineligible.

s. 37. And be it enacted, that no barrister or chairman shall be eligible to serve in parliament for any county, city, town, or borough sending a member or members to parliament, in which he shall have exercised jurisdiction under this act as such barrister or chairman, for seven years after he shall have exercised such jurisdiction.

Cork ridings deemed counties.

s. 38. And be it enacted, that each riding in the county of *Cork* shall be deemed to be a county for the purpose of registry under this act.

Persons refusing to give evidence to be subject to a fine.

s. 39. And be it enacted, that if any person shall refuse to be sworn or to give evidence before any judge, barrister, chairman, or jury, upon the investigation of any claim to register under this act as aforesaid, without sufficient lawful excuse to be allowed by such judge, barrister, or chairman, it shall be lawful for such judge, chairman, or barrister to order such person to pay a fine not exceeding ten pounds, to be applied to the use of the infirmary of the county, city, or town respectively, or such charitable institution as the judge, chairman, or barrister shall think fit, or in default thereof to commmit such person to the gaol of the said county, city, or town respectively for any term not exceeding two calendar months.

Forgers of certificate or oath to be punishable by transportation for seven years, or by imprisonment for three years.

s. 40. And be it enacted, that if any person shall forge or counterfeit the signature of any judge, chairman, barrister, or clerk of the peace, to any order, certificate, or instrument in writing purporting to be an order or certificate within this act, or the signature of any person to any oath or affirmation within this act, or shall knowingly utter or publish as true and genuine any such forged or counterfeited order, certificate, instrument, writing, oath, or affirmation, every person so offending shall be deemed guilty of felony, and shall be liable at the discretion of the court before which he shall be tried, to be transported beyond the seas for the term of seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Quakers or Moravians may affirm.

s. 41. And be it enacted, that in every case where an oath is by this act required to be taken, every person being a Moravian or Quaker, may make affirmation in the form prescribed hereby for each such oath respectively, and that all provisions herein contained relative to any oath shall respectively extend and apply to every such affirmation.

Taking oath or affirmation falsely to be perjury.

s. 42. And be it enacted, that if any person shall, in any oath or affirmation to be taken under this act, wilfully and corruptly swear or affirm falsely, such person shall be deemed guilty of perjury, and be liable to the same pains, penalties, and

punishments as any person is now liable to for wilful and corrupt perjury.

Officers to attend sessions for registry.

s. 43. And be it enacted, that the sheriff of each county, city, and town in *Ireland*, or his under sheriff, and also the clerk of the peace or his deputy, and town clerks, for each such county, city, town, or borough, or his deputy, and the high constable of the barony in which each and every such court of sessions as by this act is directed shall be held, and such number of other constables as the assistant barrister or chairman shall deem sufficient, shall attend the court from day to day during the continuance of such sessions; and every clerk of the peace and town clerk, or deputy, as the case may be, attending any such sessions, shall take with him and from day to day attend with such original affidavits or affirmations, and all and every such book and registry, as under and by virtue of the laws now in force in *Ireland*, or under this act, such clerk of the peace or town clerk, or his deputy, is required to keep or to attend with and produce at any election or place of polling in *Ireland*.

Registry of voters in the county of Dublin and in the city of Dublin.

s. 44. And be it enacted, that in the county of *Dublin* all voters to be registered under this act shall be registered before the chairman of the sessions of that county, and in the city of *Dublin* before the said chairman, who shall for such purpose hold a session four times in each year, at such times and places as the Lord Lieutenant or other chief governor or governors of *Ireland* shall appoint, and that such registry shall be conducted in the same manner in all respects as before the assistant barrister in any other county, city, or town; and such chairman shall have, exercise, perform, and discharge every power, jurisdiction, right, authority, duty, and function hereby vested in or given to any such assistant barrister; and in any case where an appeal is hereby allowed from the order of an assistant barrister to the judge of assize the like power of appeal from any order of such chairman shall and may, in the case of any voter in the county of *Dublin* and city of *Dublin* respectively, be enjoyed and had to a judge of any of his Majesty's superior law courts of record in *Dublin* at nisi prius, at the sittings for the city of *Dublin* next after such order made, and the judge to which any such appeal shall be made shall proceed with respect thereto in the same manner as any judge of assize is hereby authorized or required to proceed.

Power to the barrister, &c. to fine clerk of peace, &c. for breach of duty.

s. 45. And be it enacted, that every session to be held for registering voters within this act shall be deemed a court of record; and that it shall be lawful for every barrister or chairman before whom such court shall be held, from time to time as there shall be occasion, to fine the clerk of the peace or his deputy, the town clerk or his deputy, or the sub-sheriff of the county, city, or town for which the said court shall be held, and any high or other constable, who shall respectively be guilty of any breach of duty in the execution of this act, in any sum not exceeding five pounds, and, at his discretion, to fine in any sum not exceeding forty shillings, or to commit to prison for any time not exceeding a fortnight, any person whatsoever who shall

disturb the court so to be held by him for registering voters as aforesaid, or who shall be guilty of any other contempt of the said court.

Freeholds of the annual value of not less than 50*l.* may be registered at the special or general quarter sessions to be holden under this act.

s. 46. Provided always, and be it further enacted, that it shall be lawful for any freeholder who may be entitled by law to register a freehold in any county, county of a city, or county of a town in *Ireland*, of the annual value of not less than fifty pounds, and for every clergyman who claims to vote as a freeholder in right of his benefice, to register such freehold either at the special or any general quarter sessions to be holden under this act or to register such freehold by taking and subscribing the proper oath by the schedule to this act annexed prescribed, in any of the superior courts of record in *Dublin*, or before a judge at the assizes, in the manner now by law authorized; and the said oath shall be subscribed by one of the judges of the court before whom the same was taken, and being delivered to the clerk of the peace, shall be signed by him, and kept amongst the records of the proper county; and each such freeholder shall be thereupon entitled, upon payment of the fee of one shilling, to receive, at any quarter sessions of the peace for the division of the county in which his freehold shall be situate, a certificate of his registry as a voter for such county, city, or town respectively; which certificate shall be in the form by this act prescribed, and shall be signed by the assistant barrister and clerk of the peace, or his deputy, and shall be of equal validity with any certificate to be granted under this act, and subject to the same provisions.

Provision as to trustees and mortgagees.

s. 47. And be it enacted, that no person shall be allowed to have any vote at any election of a member or members to serve in parliament for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual receipt of the rents and profits of the same estate, but that the cestuique trust or mortgagor in possession shall and may register and vote for the same estate, notwithstanding such trust or mortgage.

Candidate or person proposing candidates without his consent, to be at the expense of booths and poll clerks.

s. 48. And be it enacted, that after the end of the present parliament all booths erected for the convenience of taking polls shall be erected at the joint and equal expense of the several candidates, and the same shall be erected by contract, with the candidates if they shall think fit to make such contract, or if they shall not make such contract, then the same shall be erected by the sheriff, or other returning officer or officers, at the expense of the several candidates as aforesaid; and the deputies appointed by the said sheriff or other returning officer or officers, shall be paid each two guineas by the day, and the clerks employed in taking the polls shall be paid each one guinea by the day, at the expense of the candidates at such election: provided always, that if any person shall be proposed without his consent, then that the person so proposing him shall deposit or give security in a sufficient sum to defray his share of the said expenses in like manner as if he had been a candidate.

Copies of the registry of voters to be made for each booth.

s. 49. And be it enacted that the sheriff or other returning officer shall, before the day fixed for the election, cause to be made, for the use of each booth at such election, a true copy

of the register of voters, and shall under his hand certify every such copy to be true.

Powers of Deputies of returning officers.

s. 50. And be it enacted, that every deputy of a sheriff or other returning officer shall have the same power of administering the oaths and affirmations required by law as the sheriff or other returning officer has by virtue of this or any other act, and subject to the same regulations and provisions in every respect as such sheriff or other returning officer; and that such oaths shall be agreeable to the forms by law required, or as near thereto as may be.

Two or more polling places to be provided where there shall exceed six hundred voters.

s. 51. And be it further enacted, that whenever, in any one barony or half barony of the county, or in any county of a city or county of a town, or in any borough, the number of registered voters appearing by the books of the clerk of the peace capable of voting, at any election for the same shall exceed six hundred voters, it shall and may be lawful for the returning officer or officers, and he and they are hereby required, to provide two or more polling places for such barony or half barony, or for such county of a city or county of a town, or borough, and to make such a division or divisions of the voters, according to the first letters of their names, that it shall not be necessary for more than six hundred voters to poll in any one place of polling, but so as not to divide the names beginning with the same letter of the alphabet; and that it shall and may be lawful for the returning officer or officers, and he and they are hereby required to provide as many new places of polling as may be necessary for the purpose, and to appoint as many additional deputies and poll clerks as shall be necessary to take the poll in such additional places of polling, not exceeding one deputy and one poll clerk for each such place of polling; and provided always, that in case the number of voters in any two or more baronies or half baronies in any county shall not exceed the number of six hundred voters, it shall be lawful for the returning officer or officers, and he and they are hereby required to provide that the poll for such baronies and half baronies shall be taken in one place of polling only.

Poll to commence on the day the same shall be demanded.

s. 52. And be it further enacted, that from and after the passing of this act every poll which shall be demanded at any election of a member or members to serve in parliament for any county, city, town, or borough in *Ireland* shall commence on the day upon which the same shall be demanded, or upon the next day after (unless such day shall happen to be a *Sunday*, *Christmas Day*, or *Good Friday*, and in such case on the day next after), and shall be duly and regularly proceeded in from day to day for so many hours of each polling day as the returning officer or officers are now by law directed to keep the poll open in counties at large (*Sunday*, *Christmas Day*, and *Good Friday* excepted), until the same shall be finished, but so that no poll shall continue more than five days at the most (*Sunday*, *Christmas Day*, and *Good Friday* always excepted); and if such poll shall continue until the fifth day, then the same shall be finally closed at or before the hour of

five o'clock in the afternoon of the same day; and the returning officer shall immediately after the final close of the poll declare the name or names of the person or persons having the majority of votes in such poll, and shall forthwith make a return of such person or persons.

Poll to close when no more than twenty persons have polled during the day.

s. 53. Provided always, and be it further enacted, that it shall and may be lawful for the returning officer at any such election, and he is hereby required, on any day during such election after the first day of polling, to close finally the poll, in any booth or place of polling in which no more than twenty persons have polled during that day: provided always, that in case it shall appear to the returning officer, upon the evidence of two or more credible persons, taken upon oath, and which oath the returning officer is hereby empowered to administer, that any persons intending to offer themselves to poll in such booth or place of polling have been prevented by force or violence from coming to the same for the purpose of polling on that day, that then and in such case it shall be lawful to and for the returning officer to keep such booth or place of polling open for another day, and so on from day to day, if such force or violence be repeated, and be found to have taken place upon such evidence as aforesaid, to the satisfaction of the returning officer, and for such purpose to delay the final close of the poll and the return so long as may be necessary.

Certificate to be conclusive of right of voting; and no inquiry at poll, save by affidavit in schedule (B.)

s. 54. And be it enacted, that the certificate by this act directed, or in default of its production the original affidavit of registry, shall be conclusive of the right of voting of the person named therein; and that the returning officer or his deputy, upon the production of such certificate or affidavit by such person, and upon his taking the oaths herein-after mentioned, if required so to do, shall admit such person to vote without any other oath or examination, and shall indorse the initials of his name thereon, with the day and year when the same was produced; and that no inquiry whatever as to the right of voting of such person shall be permitted to be made, nor shall any scrutiny be allowed; save only that the sheriff, returning officer, or his deputy, shall, if required by any candidate or his agent, and he is hereby authorized so to do, immediately before the polling of any voter, administer to such voter the oath in the schedule (B.) to this act annexed; and provided also that the oath against bribery may be administered, at the desire of any candidate, to any person tendering his vote, in like manner as the same might be administered before the passing of this act; and provided always, that if such person so tendering his vote shall appear by such certificate to have before voted at such election, or shall refuse to take the said oaths or either of them when required so to do, the sheriff, returning officer, or his deputy shall reject such vote.

All election laws to remain in force, save when altered by this act.

s. 55. And be it enacted, that all laws, statutes, and usages now in force respecting elections of members to serve in parliament for any county, city, town, or borough in *Ireland*, shall, save so far as they are respectively repealed or altered by this act,

remain, and they are hereby re-enacted and declared to be in full force; and that all elections for any member or members to serve in this present parliament, to be hereafter had, shall be held and made as if this act had not been passed.

In case of dissolution of parliament before registry, the new right of voting shall take effect without registration.

s. 56. Provided always, and be it further enacted, that if a dissolution of this present parliament shall take place after the passing of this act, and before the termination of the special sessions for any county, city, or town, to be first holden under the provisions of this act, in such case such persons only shall be entitled to vote at the election of members to serve in a new parliament for such county, city, or town, as would have been entitled to register their votes under this act if the day of election had been the day for such registry, and such person shall be entitled to vote in such election, although they may not be registered according to the provision of this act, any thing herein contained notwithstanding.

Penalties on officers for breach of duty.

s. 57. And be it enacted, that if any sheriff, clerk of the peace, town clerk, returning officer, or other person, shall wilfully contravene or disobey any provisions of this act, he shall for each such offence be liable to be sued for the sum of one hundred pounds, to be recovered by an action of debt or information, in the name of his Majesty's attorney-general, or any other person, in any of his Majesty's superior courts of record at *Dublin;* and the jury may in any such action find a verdict for the sum of one hundred pounds, or for any sum not less than ten pounds, as they shall think just; and the defendant against whom such verdict shall be found shall pay the amount thereof, with full costs of suit, to the use of his Majesty, or of the person suing.

Not to prejudice rights of action against officers.

s. 58. And be it enacted, that nothing herein contained shall in anywise prejudice or effect the right of any party grieved by any such misconduct of any sheriff, returning officer, or other person, to recover in an action on the case for a false return, or such other action as such person may by law be then entitled to maintain.

Disqualified persons voting to be subject to penalties, and liable to costs on petition to House of Commons.

s. 59. And be it enacted, that if any person, at the time of any election, being in the enjoyment of any office disqualifying him from voting at such election, or being otherwise disqualified, or having ceased to be qualified, shall, notwithstanding, presume to vote at such election, such person shall forfeit to his Majesty a sum of one hundred pounds, and shall be liable to all penalties, forfeitures, and provisions, to which he would have been subject for such offence by any law in force at the time of committing the same; and in case of a petition to the House of Commons for altering the return, or setting aside the election at which such person shall have voted, his vote shall be struck off by the committee, with such costs as to them shall seem meet, to be paid by him to the petitioner.

Right of voting in the University of Dublin continued to all fellows and scholars, so long as

s. 60. And be it enacted, that in addition to the persons now qualified to vote at the election of a member to serve in parliament for the University of *Dublin*, every person, being of the age of twenty-one years, who has obtained or hereafter shall ob-

their names are kept in the books of the University.

tain the degree of master of arts, or any higher degree, or a scholarship or fellowship in the said University, and whose name shall be upon the books of the said University, shall be entitled to vote at any election of a member or members to serve in any future parliament for the said University, so long as the name of such person shall be kept, and continue to be kept, on the books of the said University as a member thereof, subject, however, and according to the rules and statutes of the said University; provided always, that no person shall be entitled to vote at any election of a member or members to serve in any future parliament for the said University by reason of any degree of a purely honorary nature.

Scholars and fellows who have removed their names may replace them on the books of the University.

s. 61. And be it further enacted, that every person who now is a master or bachelor of arts, or of any higher degree, or who has been a scholar or fellow of the said University, and who shall have voluntarily removed his name from the books of the said University, shall be entitled, within six months after the passing of this act, and not after, to replace the same thereon, upon payment of the sum of two pounds; and that every person whose name shall be continued upon the said books for the purpose of entitling him to vote at the election of members to serve in parliament for the said University shall be liable to pay to the said college an annual sum of one pound, and no more; and that upon the refusal of any such person to pay the annual sum of one pound, within one month after the same shall have been demanded, his name shall be removed from said books, and shall not be again replaced thereon.

Explanation of terms used.

s. 62. And be it enacted, that the words "city, town, or borough," used in this act, shall be construed to include all places, whether corporate or otherwise, entitled to send a member or members to parliament; and that the words "returning officer," used in this act, shall be construed to include every person by his office entitled to preside at the election of a member or members to serve in parliament, and to include several persons so entitled.

Clergymen to register as freeholders.

s. 63. And be it enacted, that no clergyman shall be permitted to vote as such at any election of a member or members to serve in any future parliament, unless his name shall have been duly registered as a freeholder under this act.

Separate freeholds to be counted, in estimation of value, as one freehold.

s. 64. And be it declared and enacted, that every person entitled to two or more freehold estates or interests in any county, county of a city, or county of a town in *Ireland*, the annual value whereof shall in the aggregate amount to ten pounds, according to the mode of valuing freeholds by this act prescribed for the qualification of electors, and who shall in all other respects be duly qualified, shall be admitted to register and vote according to the provisions of this act, as if said separate freehold were one freehold, although no one of such freehold estates may be of such annual value of ten pounds, according to such mode of valuation.

Abolition of cautionary notices to voters. 1 G. 4, c. 11.

s. 65. And whereas by an act passed in the first year of his late Majesty's reign, intituled *An act for the better regulation of*

Polls, and for making further provision touching the election of members to serve in Parliament for Ireland, it is enacted, that if any person shall vote at any election by virtue of the registry of an alleged freehold, under a lease of lands and tenements for a life or lives made by the lessor, who had not at the time of making the same a freehold estate therein, or under a lease of lands or tenements for a life or lives, which lease is to end and determine on some such covenant or condition that a freehold estate has not been demised by the same, or under a lease of lands or tenements, for a life or lives, or a certain number of years, which life or lives is or are dead, or under a lease of lands or tenements for a life or lives, which lease has expired or been surrendered, after due notice not to vote by virtue of any such registry shall have been given to such person by any candidate, or by any inspector of any candidate, and which notice every candidate and inspector is thereby authorized and empowered to give such person at any time before or during such election, or in the place of polling, such person, on being convicted thereof, shall forfeit to any person who shall sue for the same the sum of twenty pounds, to be recovered by him or them, with treble costs of suit, by action of debt, at any general quarter sessions of the peace, or at any assizes that may be held for the county in which such election shall have taken place: And whereas by an act passed in the fourth year of his late Majesty's reign, intituled *An act to consolidate and amend the several acts then in force, so far as the same relate to the election and return of members to serve in parliament for counties of cities and counties of towns in* Ireland, a similar provision is made with reference to such counties of cities and counties of towns: And whereas the giving of such cautionary notices by candidates and inspectors, at and during the time of an election, and in the place of polling, has been productive in many cases of vexatious delays and inconvenience to voters, and is inexpedient and unnecessary, be it therefore enacted, that from and after the passing of this act, so much of the said recited acts of the first and of the fourth year of his late Majesty's reign as authorizes and empowers every candidate and inspector to give such cautionary notices to voters at any time before or during the elections in *Ireland*, or in the place of polling at such elections, and as renders it necessary that such notices shall have been so given to any person voting by virtue of the registry of the said therein recited alleged freeholds, in order to such person being or becoming subject to and incurring the penalties thereby imposed, shall be and are hereby repealed; provided always, that nothing herein contained shall exempt or be construed to exempt from such penalties any person who, at the election of any member or members to serve in parliament for any county, or county of a city, or county of a town in *Ireland*, shall vote by virtue of the registry of such alleged freehold as aforesaid; but such person, on being convicted thereof, notwithstanding the want of such notice by any candidate or inspector, shall forfeit to any person or persons who shall sue for the same the said sum of twenty

4 G. 4, c. 55.

pounds, to be recovered by him or them, with treble costs of suit, by proceeding in the nature of civil bill, at any general quarter sessions of the peace that may be held for the county, or county of the city, or county of the town, in which such election shall have taken place, or by action of debt in any of his Majesty's courts of record in *Ireland*.

Lord Lieutenant may depute duty of presiding at the special sessions to be first held under this act, to barristers of not less than six years' standing.

s. 66. And be it further enacted, that the Lord Lieutenant or other chief governor or governors of *Ireland* shall be and are hereby authorised, by warrant under his or their hand, to appoint, for the duty of presiding at the special sessions to be first held for registering voters under this act, in any county, city, town, or borough, or in any two or more of such counties, cities, towns, or boroughs, any barrister or barristers of not less than six years' standing at the *Irish* bar, to be assistant to or deputies of the assistant barrister or chairman: and when two or more barristers shall be appointed for the same county, riding, city, town, or borough, they shall attend at the same place together, but shall sit apart from each other, and hold separate courts at the same time for the dispatch of business; and that all the powers, duties, rights, and privileges given or imposed by this act to or upon any assistant barrister or chairman are and shall be by virtue of such warrant given to and imposed upon such assistants or deputies; and that all acts to be done by such deputies or assistants shall be of the same efficacy in law as if done by the assistant barrister or chairman upon whom such duties would have otherwise devolved under this act.

Compensation to Assistant-barristers, clerks of peace, &c.

s. 67. And be it further enacted, that every barrister appointed to preside at any special sessions under this act (such barrister not being an assistant barrister or chairman) shall be paid at the rate of five guineas for every day that he shall be so employed, over and above his travelling and other expenses; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the Lord Lieutenant or other chief governor or governors of *Ireland* a statement of the number of days during which he shall have been employed, and an account of the travelling and other expenses incurred by him in respect of such employment; and such Lord Lieutenant or other chief governor or governors shall make an order for the amount to be paid to such barrister out of the consolidated fund; and in order to provide a remuneration for the assistant barristers or chairman for the additional labour imposed on them by this act, it shall and may be lawful for the said Lord Lieutenant or other chief governor or governors to direct that the said assistant barristers and chairman shall be paid, in addition to the salaries now by them receivable, such yearly sum, not exceeding in any case the sum of one hundred pounds, at the discretion of the said Lord Lieutenant or other chief governor or governors, as he or they shall by warrant under his or their hand direct, such additional salaries to be payable at the same time and in the same manner as the salaries of the said assistant barristers are now payable.

In what cases chairman may perform his duties by deputy.

s. 68. Provided always, and be it further enacted, that in order to enable the chairman of the sessions for the county of *Dublin* to discharge the duties imposed on him by this act, with regard to the registry of voters in and for the city of *Dublin*, at such sessions as are to be holden for that purpose after the first or special sessions for registering voters, it shall and may be lawful for the chairman of the sessions of the county of *Dublin* to discharge the duties of such subsequent registries in and for the city of *Dublin* by a sufficient deputy, to be appointed by such chairman for that purpose, and which deputy shall be a barrister of six years standing at the least at the *Irish* bar, and shall be approved of by the Lord Lieutenant or other chief governor or governors of *Ireland;* and that all the powers, duties, rights, and privileges given or imposed by this act upon such chairman respecting such registries are and shall be, by virtue of such appointment and approbation as aforesaid, given to and imposed on such deputy; and that all acts done by such deputy respecting such registries in and for the said city of *Dublin* shall be of the same efficacy in law as if done by the said chairman himself; and such deputy shall, at the end of each sessions, be paid and remunerated in the same manner and at the same rate as any other deputy appointed to register votes under this act.

Act may be amended, &c.

s. 69. And be it further enacted, that this act may be amended, altered, or repealed by any act or acts to be passed in this present session of parliament.

SCHEDULES TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

LIST OF ASSISTANT BARRISTERS AND CHAIRMAN BEFORE WHOM SESSIONS FOR REGISTERING VOTES IN EACH CITY, TOWN, OR BOROUGH ARE TO BE HELD.

SESSIONS FOR	BEFORE.
Armagh borough	Assistant-barrister of Armagh county.
Athlone borough	Assistant-barrister of Westmeath county.
Bandon Bridge borough	Assistant-barrister of West Riding of Cork co.
Belfast borough	Assistant-barrister of Antrim county.
Carlow borough	Assistant-barrister of Carlow.
Carrickfergus borough	Assistant-barrister of Antrim county.
Cashel borough	Assistant-barrister of Tipperary county.
Clonmel borough	Assistant-barrister of Tipperary county.
Coleraine borough	Assistant-barrister of Londonderry county.
Cork city	Assistant-barrister of East Riding of Cork co.
Downpatrick borough	Assistant-barrister of Down county.
Drogheda borough	Assistant barrister of Louth county.
Dublin city	Chairman of sessions of county of Dublin.
Dundalk borough	Assistant-barrister of Louth county.
Dungannon borough	Assistant-barrister of Tyrone county.
Dungarvan borough	Assistant-barrister of Waterford county.
Ennis borough	Assistant-barrister of Clare county.
Enniskillen borough	Assistant-barrister of Fermanagh county.
Galway town	Assistant-barrister of Galway county.
Kilkenny city	Assistant-barrister of Kilkenny county.
Kinsale borough	Assistant-barrister of East Riding of Cork co.
Limerick city	Assistant-barrister of Limerick county.
Lisburn borough	Assistant-barrister of Antrim county.
Londonderry city	Assistant-barrister of Londonderry county.
Mallow town	Assistant-barrister of East Riding of Cork co.
Newry borough	Assistant-barrister of Down county.
Portarlington borough	Assistant-barrister of Queen's county.
Ross (New) borough	Assistant-barrister of Wexford county.
Sligo borough	Assistant-barrister of Sligo county.
Tralee borough	Assistant-barrister of Kerry county.
Waterford city	Assistant-barrister of Waterford county.
Wexford borough	Assistant-barrister of Wexford.
Youghal borough	Assistant-barrister of East Riding of Cork co.

SCHEDULE (B.)

Oath to be taken by Voters at Polling, before returning officer, sheriff, or his deputies, if required on behalf of any candidate.

I *A. B.*, do swear, [*or, being a Quaker,* do affirm,] that I am the same [*A. B.*] whose name appears registered in the certificate or affidavit now produced; and that my qualification as such registered voter still continues; and that I have not before voted at this election; and [*in the case of householders in cities, towns, and boroughs,*] that not more than one half year's grand jury or municipal cesses, rates, or taxes, are now due or payable by me in respect of the premises in this certificate mentioned.

SCHEDULE (C.) No. 1.

Form of Notice for holding the first session for registering voters under this act.

County, City, Town, or Borough. } of [as the case may be]

Notice is hereby given, that a session for the purpose of registering the names of persons entitled to vote at the election of members [or a member] to serve in parliament for the county of [or the city of or the county of the town of or the borough of as the case may be] pursuant to an act passed in the second and third year of the reign of King William the Fourth, will be holden at in the said county of [or the city of or the county of the town of or borough of as the case may be,] on the day of next, by and before the assistant barrister of the county of [or before the chairman, or barrister, as the case may be] at which time and place applications of persons claiming to be entitled to vote at such elections will be received and taken into consideration.

Dated this day of

Clerk of the Peace of the said County
or [or County of the
City, or County of the Town.]

SCHEDULE (C.) No. 2.

Form of Notice to be given of application to be Registered as a Voter for a County, City, Town, or Borough.

SIR,—Take notice, that it is my intention to apply to be registered as a person entitled to vote at elections of a member or members to serve in parliament for the county of
[or for the city, town, or borough] of
and the particulars of my claim are as follows:—

Name, Description, and Residence of Applicant.	In what Right Claiming.	Description of Property, if the same be in respect of Property, with name of Barony, Townland, Parish, Street, or Denomination, or Place where situate.	Yearly Value to be Registered.
X. Y. of Yeoman, &c.	Freeholder. Leaseholder. Householder. Freeman. Rent-charge.		

SCHEDULE (C.) No. 3.

List of Applications to be entered by the Clerk of the Peace.

No.	Name, Description, and Residence of Applicant.	Description of Property, with Name of Townland, Parish, Street, &c. and Right in which Registry is claimed.	Yearly Value to be Registered.

SCHEDULE (C.) No. 4.

Oath of Freeholders Registering a Freehold of the value of Twenty Pounds or upwards, not arising from a Rent-charge, in any County, City, or Town.

I *A. B.* of in the county [*or* of in the city, town, *or* borough of] Esquire, clerk, [*or as the description is,*] do swear, that I am a freeholder in the county, city, or town of and that I have now a freehold therein arising from a house [*or* houses, lands, *or both, or other hereditaments, as the case may be,*] lying and being at [*naming the street or place where such house or houses or other hereditaments shall be situate or arise,*] in the county [city *or* town] of of the clear yearly value of fifty pounds, *or* twenty pounds [*as the case may be,*] at the least, above all rent and charges payable out of the same, except only public or parliamentary taxes, county, church, or parish cesses or rates; and that the said freehold does not arise from a rent-charge; and that I have not accepted or procured the said freehold fraudulently, nor in exchange for any freehold in any other county, city, town, or borough.

So help me God.

SCHEDULE (C.) No. 5.

Oath to be taken by Rent-charger in any County, City, or Town.

I *A. B.* of in the county [*or* city *or* town] of Esquire, [*or as the description is,*] do swear, that I am a freeholder in the county of the city [*or* town] of and that I have a freehold therein of the clear yearly value of twenty pounds at the least above all charges payable out of the same, consisting of a rent-charge, granted by deed or instrument bearing date the day of in the year by *A. B.* of on the lands of [naming the lands, house or houses, or other hereditaments mentioned in such deed] in the county [city or town] of ; and that I am in the possession thereof to the clear amount of twenty pounds yearly, and am entitled to receive the same as it becomes due, to and for my own sole use and benefit; and that I have not procured or accepted the same fraudulently, nor in exchange for a freehold in any other county [city or town.]

So help me God.

SCHEDULE (C.) No. 6.

Oath of Freeholder registering a Freehold of the annual value of Ten Pounds in any County, City, or Town.

I *E. F.* of in the county [city or town] of yeoman, [or as the case may be,] do swear, that I am a freeholder of the county [county of the city or the town] of and that I have a freehold therein arising from a house [or houses, land, or both, as the case may be,] of the clear yearly value of ten pounds above all rent and charges payable out of the same, except only public or parliamentary taxes, county, parish, or church cesses, or rates and cesses on any townland or division of any parish or barony, lying and being at [naming the townland or townlands, or other denominations by which the place is generally known, and the barony or baronies, or the parish, and street or streets of the county, city, or town, as the case may be, wherein it is situate,] in the county, city, [or town,] of ; and that the said freehold does not arise from a rent-charge, and that the same arises by virtue of the deed, lease, or instrument, bearing date the day of in the year [or otherwise stating the nature of the title, as the case may be]; and that I am in the actual occupation thereof, by residing thereon, [or by tilling or by grazing, or by both tilling and grazing, as the case may be]; [and where the freehold is held by any deed, lease, or instrument, adding these words, and that the freehold is not let or agreed to be let to the person or persons who executed the said deed or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, nor do I intend to let the same, or any part thereof, to such person or persons, or any of them, and that I have not agreed to let it for the term for which I hold it]; and that I have not procured or accepted the said freehold fraudulently, nor in exchange for a freehold in any other county, city, or town.

So help me God.

SCHEDULE (C.) No. 7.

Oath of Leaseholder registering a Leasehold in any County, City, or Town.

I *E. F.* of in the county [or city or town] of farmer, [or as the case may be], do swear, That I do now hold the lands of [or as the case may be, describing the tenement,] situate, lying, and being at under a lease, [deed or instrument, as the case may be,] bearing date the day of in the year by and between

; and that such honsehold is now of the clear yearly value of twenty pounds, [or ten pounds, as the case may be,] over and above all rent and charges payable out of the same, except only public or parliamentary taxes, county, church, or parish cesses or rates, and cesses upon any townland or division of any parish or barony; and that the said leasehold does not arise from a rent-charge; and that I have not accepted or procured the said leasehold fraudulently, nor in exchange for any freehold or leasehold in any other county, city, or town, [and if the said leaseholder be the lessee or assignee of a derivative term, or under lease,] and that I am in the actual occupation thereof.

So help me God.

SCHEDULE (C.) No. 8.

Oath to be taken by Householders registering as voters in any city, town, or borough.

I *F. F.* of in the city [town or borough] of merchant, [or, &c. as the case may be,] do swear, that I am, and have been for six calendar months last past, in possession and actual occupation of the house, warehouse, &c. [describing the premises] situate at in the said city [town or borough]; and that the said premises are *bonâ fide* of the clear yearly value of not less than ten pounds [or five pounds, as the case may be]; and that not more than one half year's grand jury or municipal cesses, rates, or taxes are now due or payable by me in respect of the said premises or any part thereof.

So help me GOD.

SCHEDULE (C.) No. 9.

Oath to be taken by Resident Freemen and Forty-shilling Freeholders whose rights are saved.

I *A. B.* of in the city [or town or borough] of merchant [or &c. as the case may be], do swear that I am a freeman or other corporate officer [as the case may be] of the said city, [town or borough,] having a right to vote at elections for the said city [&c.[of [or that I am a registered forty-shilling freeholder having a right to vote at elections for the said city, [&c.] of [as the case may be]; and that I am, and for the last six months have been, a resident within the said city [&c.] of or within seven statute miles of the usual place of election in the said city [town or borough, as the case may be.]

So help me GOD.

SCHEDULE (D.) No. 1.

Certificate of Rent-Charger Freeholder or Leaseholder.

County, City, Town, or Borough, } of [as the case may be.]

This is to certify, that *A. B.* of in this county [city or town, as the case may be,] clerk, [merchant, gentleman, farmer, yeoman, &c. as the case may be,] was this day duly registered before me as a voter for this [county, &c. as the case may be,] in right of a rent-charge freehold [or leasehold, as the case may be,] of the yearly value of fifty pounds, or twenty pounds, or ten pounds, or [as the case may be], situate at [describing the townland and place, &c.] in this county, [city, &c.]

O. Judge, Chairman, or Assistant-barrister.
O. Clerk of the Peace.

Certificate, No. [&c.]

SCHEDULE (D.) No. 2.

Certificate of Householder.

City, Town, or Borough, } of [as the case may be.]

This is to certify, that *A. B.* of in this was this day duly registered before me as a voter for this city, [town or borough, as the case may be] in right of his house, &c. situate at [describing the place and situation.

Dated this day of

O. Judge, Chairman, Assistant-barrister, or Barrister, &c.
O. Clerk of the Peace.

Certificate, No. [&c.]

SCHEDULE (D.) No. 3.

Certificate of Freemen, &c.

City, Town, or Borough, } of [as the case may be.]

This is to certify, that *A. B.* of in this yeoman, [or as the case may be] was this day duly registered before me as a voter for this city [town or borough, as the case may be,] in right of his being a resident freeman [or resident forty-shilling freeholder, as the case may be.]

Dated this day of at

O. Judge, Chairman, Assistant-Barrister, or Barrister, &c.

O. Clerk of the Peace

Certificate, No. [&c.]

An Act to settle and describe the Limits of Cities, Towns, and Boroughs in Ireland, *in so far as respects the Election of Members to serve in Parliament.*

7th August, 1832.

WHEREAS by an act passed in this present session of parliament, intituled *An Act to amend the Representation of the People of Ireland,* it is amongst other things provided, that each of the cities, towns, and boroughs returning a member or members to serve in parliament should, for the purposes of the said recited act, include the place or places respectively which should be comprehended within the boundaries of each of the said cities, towns, and boroughs respectively, as such boundaries should be settled by an act to be passed for that purpose in this present parliament, which act, when passed, should be deemed and taken to be part of the said recited act, as fully and effectually as if the same were incorporated therewith: and whereas the act so to be passed for settling and describing the boundaries of cities, towns, and boroughs as in the said recited act is mentioned, is this present act: and whereas the several cities, towns, and boroughs whereof the boundaries were so to be settled and described, as in the said recited act is mentioned, are the several cities, towns, and boroughs which are specified in the schedule to this act annexed; be it therefore enacted and declared by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the several cities, towns, boroughs, and places specified in the schedule to this act annexed 2 W. IV. c. 88.

Cities, &c. shall, as to elections, include the places and be comprised within the boundaries specified in the schedule.

shall, as to the election of members or a member to serve in parliament, respectively include the places and be comprised within the boundaries which in such schedule are respectively specified and described in conjunction with the names of such cities, towns, boroughs, and places respectively.

Rules of construction to be observed in interpreting schedule.

s. 2. And be it enacted, that, subject to any direction to the contrary, the following rules shall be observed in the construction of the several descriptions of boundaries contained in the said schedule hereto annexed; that is to say:

1. That the words "northward," "southward," "eastward," "westward," shall respectively be understood to denote only the general direction in which any boundary proceeds from the point last described, and not that such boundary shall continue to proceed throughout in the same direction to the point next described.

2. That when any road is mentioned merely by the name of the place to which such road leads, the principal road thither from the city, town, or borough of which the boundary is in course of description shall be understood.

3. That whenever a line is said to be drawn from, to, or through an object, such line shall, in the absence of any direction to the contrary, be understood to be drawn from, to, or through the centre of such object, as nearly as the centre thereof can be ascertained.

4. That every building through which or through any part whereof any boundary hereby established shall pass, shall be considered as within such boundary.

5. That whenever any boundary by this act established is said to pass along any other boundary, or along any road, lane, path, river, stream, canal, drain, brook, or ditch, the middle (as nearly as the same can be ascertained) of such other boundary, or of such road, lane, path, river, stream, canal drain, brook, or ditch shall, in the absence of any direction to the contrary, be understood.

6. That the middle of any road or lane shall be understood as the middle of the carriage-way along the same.

7. That when any boundary by this act established is said to proceed along a road, lane, path, river, stream, canal, or drain, from or to any object, such boundary shall be understood to proceed from or to that point in the middle of such road, lane, path, river, stream, canal, or drain from which the shortest line would be drawn to the centre of such object, as nearly as the centre thereof can be ascertained.

8. That the point at which any fence, hedge, wall, boundary, road, lane, path, river, stream, canal, drain, brook, or ditch is said to cut, meet, join, cross, reach, or leave any boundary, road, lane, path, wall, river, stream, canal, drain, brook, or ditch shall, in the absence of any direction to the contrary, be understood as that point at which a line passing along the middle of the boundary, road, lane, path, wall, river, stream, canal, drain, brook, or ditch so cut, met, joined, crossed, reached, or left, would be intersected by a line drawn along the middle of the fence, hedge, wall, boundary, road, lane, path, river,

stream, canal, drain, brook or ditch so cutting, meeting, joining crossing, reaching, or leaving, if such line were prolonged sufficiently far.

9. That when a line is said to be drawn to a road, lane, river, stream, or canal, such line shall, in the absence of any direction to the contrary, be considered as prolonged to the middle of such road, lane, river, stream, or canal.

10. That by the words "sea" and "sea coast" shall be understood the low-water mark.

11. That if any deficiency shall be found to exist in the line of any boundary described in the said schedule to this act annexed, by reason of the intervention of any space between any two immediately consecutive points, such deficiency shall be supplied by a straight line to be drawn from the one to the other of such two immediately consecutive points.

Respecting detached portions of parishes, &c.

s. 3. And be it further enacted, that notwithstanding the generality of any description contained in the said schedule to this act annexed, no city, town, or borough or place, the contents whereof are specified in such schedule, shall include any part of any parish, townland, manor, lordship, barony or half barony, or liberty, which is detached from the main body of such parish, townland, manor, lordship, or barony or half barony, or liberty, if by reason of including such detached part the boundary hereby established of such city, town, or borough, or place would not be continuous, unless such detached part shall before the passing of this act have formed part of such city, town, or borough or place, for the purpose of the election of a member or members to serve in parliament; but that all extra parochial places which are surrounded by any parish, townland, manor, lordship or liberty, of which any city, town, or borough or place is said in such schedule to consist, shall be considered as included within such city, town, or borough or place, for the election of a member or members to serve in parliament; and that all places locally situate or included within the boundaries of any city, town, or borough, as defined under this act, shall for the purposes of this act only be deemed and taken to be a part or parts of such city, town and borough.

Misnomer or misdescription not to abridge operation of act; and description to relate to 1st Jan. 1832.

s. 4. Provided always, and be it enacted, that no misnomer or inaccurate description contained in this act, or in the schedule hereto annexed, shall in anywise prevent or abridge the operation of this act with respect to the subject of such description, provided the same shall be so designated as to be commonly understood; and that for the purpose of identifying the descriptions contained in the said schedule with the subjects of such descriptions respectively, such descriptions shall, if such construction should be necessary, be held to apply to such subjects as they existed on the first day of *January* one thousand eight hundred and thirty-two.

Act may be altered this session.

s. 5. Provided always, and be it enacted, that this act may be amended or altered by any act or acts to be passed during this present session of parliament.

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

1.—ARMAGH.

From Mr. Carroll's windmill on the west of the city in a straight line in the direction of the spire of Grange church to the point at which such straight line cuts the new Dungannon road; thence in a straight line in the direction of the eastern dome of the observatory to the point at which such straight line cuts the boundary of the grounds attached to the observatory; thence, eastward, along the boundary of the grounds of the observatory to the point at which the same meets the road to the deanery; thence in a straight line to the magazine near the infantry barracks; thence in a straight line through a point on the Rich Hill road which is distant 25 yards measured along the Rich Hill road) to the east of the south-eastern corner of the infantry barracks, to a point which is one hundred and thirty yards beyond the said point on the Rich Hill road; thence in a straight line in the direction of the south eastern angle of the palace to the point at which such straight line cuts the demesne wall; thence, northward, along the demesne wall to the point at which the same leaves the boundary of the corporation land; thence, northward, along the boundary of the corporation land to the point at which the same meets the Monaghan road; thence in a straight line to Mr. Carroll's windmill.

2.—ATHLONE.

From the point at which the southern end of the canal joins the river Shannon, along the canal, to the point at which the northern end thereof joins the river Shannon; thence along the river Shannon to the point at which the same is met by the north-western inclosure wall of the barracks; thence in a straight line to the angle in the Hare Island road at which the same turns northward, and at which there are two gateways with pillars opposite each other; thence in a straight line to a gateway with pillars on the Ballymahon road, about twenty yards to the east of the glebe wall; thence in a straight line to the north-eastern corner of the wall of the townland called Anchor's Bower; thence, southward, along the wall of Anchor's Bower to the point at which the same meets the old Dublin road; thence in a straight line in the direction of Mr. Dawson's house in Bunavalley to the point at which such straight line cuts a small bye-road which runs into the Dublin road; thence along the said small bye-road to the point at which the same joins the Dublin road; thence in a straight line to the point at which the Brideswell Bog road is joined by a bye-road leading thereto

from the east, about three hundred yards from the point at which the Brideswell Bog road leaves the Dublin road; thence in a straight line in the direction of the chimney of Mr. Robinson's distillery to the point at which such straight line cuts the river Shannon; thence along the river Shannon to the point first described.

3.—BANDON.

From the point at which the eastern road to Macroom leaves the old or northern road to Cork, in a straight line in a westerly direction, to the north western corner of Mr. Swanson's garden; thence along the wall of the said garden to the south-western corner thereof; thence in a straight line across the river Bandon, and across the Enniskane road, to the point at which the old road to Clonakilty is joined by a bye-road which runs thereto from the new road to Clonakilty; thence along the said bye road to the point at which the same joins the new road to Clonakilty; thence towards Bandon along the new road to Clonakilty, to that point thereof which is nearest to the northern pillar of the gate of Mr. M'Creight's house; thence in a straight line to the said northern pillar; thence in a straight line acros the centre Kilbritten road to the point at which the eastern Kilbritten road is joined by a small bye-road running westward to the fields, about three hundred and thirty yards to the south of the point at which the eastern Kilbritten road leaves the Innishannon road; thence in a straight line to the southern corner, on the Ballinade road, of the premises of Mr. Ormond's distillery; thence, eastward, along the boundary of the premises of Mr. Ormond's distillery to the point at which the same meets the southernmost road to Innishannon; thence in a straight line across the river Bandon to the point at which the old Innishannon road is joined by a bye-road which runs north-west in the direction of the Kilbrogan chapel; thence in a straight line to the northern pillar of a gate-way on the old Cork road, about four hundred and thirty yards to the north of the point at which the same leaves the Innishannon road; thence in a straight line to the point first described.

4.—BELFAST.

From the point on the south east of the town at which the Blackstaff river joins the river Lagan, up the Blackstaff river, to the point at which the same is joined by a small stream which washes the wall of Mr. Campbell's cotton works; thence up the said small stream to the point at which the same would be cut by a straight line to be drawn from the chimney of Mr. Campbell's cotton works to an old fort on the west of the town, in a field belonging to Mr. Elliott, near a brickfield on the left of the Old Lodge road; thence in a straight line to the said

old fort; thence in a straight line to the south-western angle of the grave-yard which is to the west of the infantry barracks; thence along the southern wall of the said grave-yard to the point at which the same makes an angle; thence in a straight line to the south-western angle of the enclosure of the infantry barracks; thence along the western enclosure wall of the infantry barracks to the northern extremity thereof; thence along a ditch which is the boundary of the ordnance land to the point at which the same reaches the south western angle of the enclosure of the artillery barracks; thence along the western enclosure wall of the artillery barracks, and along a ditch in continuation of the direction thereof, to the point at which such ditch meets a road which leads from the Ballymure road into the old Carrickfergus road; thence along the road so leading into the old Carrickfergus road to the point at which the same joins the old Carrickfergus road; thence, northward, along the old Carrickfergus road to the point at which the same meets the Mile Water; thence down the Mile Water to the point at which the same joins the river Lagan; thence along the river Lagan to the point first described; also beyond the Lagan, the townland of Ballymacarrett.

5.—CARLOW.

From the point below the town at which the river Barrow is met by the southern wall of the grounds of the house belonging to Mr. Carey, Adjutant of the Carlow Militia, eastward, along the said wall to the point at which the same meets the Kilkenny road; thence in a straight line to the southern corner of the infirmary; thence in a straight line to the point a little above the barracks at which the river Burren is joined by a small stream; thence up the said stream, and across the Tullow road, to the point at which the same stream is met by a hedge which runs down thereto from opposite the southern end of the plantation attached to the house on the Baltinglass road which belongs to Mr. Hunt and is occupied by Mr. Butler; thence along the said hedge to the point at which the same meets the Baltinglas road; thence in a straight line in the direction of the cupola of the lunatic asylum to the point at which such straight line cuts a road which runs between the Baltinglass road and the Dublin road; thence in a straight line to a gate on the eastern side of the Dublin road which is distant about one hundred yards to the north of the north-eastern corner of the enclosure wall of the lunatic asylum; thence in a straight line to the point at which the road to Athy is met by the north boundary of the demesne of the Roman Catholic Bishop; thence along the said boundary till it meets the river at the point; thence along the river to the north corner of the wall of the burial ground; thence in a straight line to the spire of the

Graigue Church; thence in a straight line to the summer house in Mr. Wilson's garden; thence in a straight line to the point first described.

6.—CARRICKFERGUS.

The county of the town of Carrickfergus.

7.—CASHEL.

The whole of the district under the jurisdiction of the Mayor; and in addition thereto,

The space which lies between the boundary of the said jurisdiction and a straight line to be drawn from the north eastern corner of the enclosure wall of the charter school on the Dublin road, in a south-easterly direction, to the point at which the southernmost Killenaule road is met by a wall which runs thereto from the northernmost Fethard road, and which point is about one hundred and seventy-six yards northwest of the point at which the southernmost Killenaule road leaves the northernmost Fethard road.

And also the space which lies between the boundary of the said jurisdiction and the following boundary; (that is to say) from the point on the west of the town at which the boundary of the old borough is met by a wall which runs therefrom, first westward and then northward, to the Golden Road, westward, along the said wall to the point at which tho same meets the Golden road; thence, eastward along the Golden road (for about twenty-two yards) to the point at which the same is met by a ditch and wall at the end of a porter's lodge; thence along the said ditch and wall (which bend eastward) for about seventy yards; thence along the continuation of the last mentioned ditch, northward, for about one hundred yards; thence along a garden wall continuing in the same direction, northward, for about one hundred and thirty yards, to the point at which the same meets a wall which runs westward therefrom; thence, westward along the last-mentioned wall (for about fifty-five yards) to the point at which the same meets a wall which bends round eastward to the Camas road; thence along the last mentioned wall to the point at which the same meets the Camas road; thence along the road which leads from the Camas road into the Armel road to the point at which the same meets the boundary of the old borough.

8.—CLONMEL.

From the point at which the western enclosure wall of the house of industry meets the river Suir, along the said western wall to the point at which the same meets Marl street; thence along Saint Stephen's lane to the point at which the same meets the old Caher road; thence, eastward, along the old Caher road to the point at which the same is met by a lane running northward; thence, northward, along the said lane to the point at which the same is met by the first bank on the right; thence eastward, along the said bank to the point at which the same is met by a lane coming from the north and turning to the east; thence, eastward, along the last-mentioned lane to the point at which the same meets Heywood-street; thence along a bank which runs eastward from a house a little to the south of the point last described to the point at which the said bank meets a small bye-lane leading into the Cashel road; thence along the said bye-lane to the Cashel road; thence, southward, along the said Cashel road to the point at which the same is met by the southern boundary wall of the park or pleasure grounds of Mr. David Malcolmson; thence along the said boundary wall to the point where the said wall meets Upper Johnson-street; thence, eastward, along Backbone-lane to the extremity thereof; thence to a point in the new road to Fethard, which point is sixty-four yards to the north of the spot at which the said road is crossed by Bonlie-lane; thence, southward, for sixty-four yards, to the said spot where the Fethard road is crossed by Bonlie-lane; thence, eastward, along Bonlie lane for about six hundred and forty-four yards, to a point at which the same is met by a bank on the right opposite a small house; thence, southward, along the said bank for the distance of about two hundred and nine yards to the point where it is met by another bank running eastward; thence, eastward, along the last-mentioned bank for about fifty yards to a point where the same makes an angle in turning to the south; thence, southward, for about fifty yards along a bank which leads to a bye road to Powers Town until the said bank reaches the said bye road; thence, eastward, along the said bye road for the distance of about two hundred and seventeen yards to the spot where it is met by the first bank on the right; thence in a straight line to the most northern point of a bank on the southern side of the Dublin road, which point is distant about four hundred and sixty-four yards from a stone in Barrack-street which marks the south-eastern corner of the ordnance land; thence along the last mentioned bank to the point at which the same meets the river Suir; thence along the southernmost channel of the river Suir as far as Moore's Island; thence along the channel of the same to the north of Moore's Island to the point first described.

9.—COLERAINE.

East of the river Bann.—The townland called " Coleraine and Suburbs."

West of the river Bann.—From the point at which the northern bank which bounds the plantation of Jackson Hall meets the river Bann, westward, along the said bank to the end thereof; thence along another bank which runs nearly in continuation of the before-mentioned bank to the point where the same meets the Ballycairn road; thence in a straight line to the point where the Downhill road leaves the old road to New Town Limavady; thence to the point where the three townlands of North Ballinteer, Church-land, and Lismurphy meet; thence along the boundary between the townlands of Church-land and Lismurphy to the river Bann.

10.—CORK.

The county of the city of Cork.

11.—DOWNPATRICK.

The demesne of Down.

12.—DROGHEDA.

The county of the city of Drogheda.

13.—DUBLIN.

The county of the city of Dublin, and such parts of the county at large as lie within the circular road.

14.—DUNDALK.

From the point on the east of the town, about eight hundred yards from the enclosure wall of the cavalry barracks, at which a road which runs from the sea-shore through the marshes to Black Rock leaves the sea-shore, along such road to the point at which the same meets the boundary of the lower marsh townland; thence westward, along the boundary of the lower marsh

townland to the point at which the same reaches the bridge on the Dublin road; thence in a straight line for about one hundred yards in a south-westerly direction to the nearest point of the boundary of the town parks; thence westward, along the boundary of the town parks to the point at which the same meets the boundary of Lord Roden's demesne; thence eastward, along the boundary of Lord Roden's demesne to the point at which the same meets the boundary between the parishes of Dundalk and Castletown, excluding the whole of the demesne; thence northward, along the boundary between the parishes of Dundalk and Castletown to the point at which the same meets the boundary of the town parks at the river; thence eastward, along the boundary of the town parks to the bridge on the Newry road; thence along the southern shore of the bay of Dundalk to the point first described.

15.—DUNGANNON.

From the point on the south of the town at which the boundary between the Drumcoo townland and the Ballynorthland demesne meets the boundary of the parish of Drumglass, northward, along the boundary of the Drumcoo townland to the point at which the same meets, close by the gate leading to Mr. Shiel's house in Killymeal, an old road which leads westward into the store road; thence along such old road to the point at which the same joins the store road; thence northward, along the store road to the point at which the same meets the Cookstown road; thence in a straight line to a point on the Gallows Hill road, which is distant two hundred and twenty yards (measured along the Gallows Hill road) to the west of the point at which the same leaves the Donaghmore road; thence in a straight line in the direction of the tower of Derrygortreavy church to the point at which such straight line cuts the boundary of the parish of Drumglass; thence southward, along the boundary of the parish of Drumglass to the point first described.

16.—DUNGARVAN.

The present borough or manor of Dungarvan, with the exception of such parts of the same as lie entirely detached from the rest; also, in addition to the present manor, all those portions of land which, though not belonging to the same, are locally situate within it, or entirely surrounded by the lands of the manor.

17.—ENNIS.

From the Clareen bridge, in a straight line in a south-westerly direction, to the point at which the road round the hill from Inch Bridge meets the road to the Hermitage; thence along a bye road which runs southward from the point last described to the point (about two hundred and twenty yards from the point last described) at which such bye road is met by an orchard wall; thence in a straight line to the eastern pier of a gate on the Inch Bridge road, which is the entrance to Mr. Crow's farm; thence in a straight line to the eastern pier of a gate on the Kilrush road, about two hundred and thirty yards to the east of the point at which a road branches from the Kilrush road to join the Inch Bridge road; thence in a straight line in a south-easterly direction to the south-western corner of Mr. Healy's garden; thence along the southern wall of the same garden to the point at which the same meets the Clare road; thence northward and eastward, along the mail coach road from Clare (for about three quarters of a mile) to the point at which the same is met by a wall on the northern side thereof, near a wall; thence in a straight line to the north-western corner of the wall which surrounds a distillery on the banks of the river Fergus, but not now in use; thence along the last-mentioned wall, including the distillery, to the point at which the same wall meets the river Fergus; thence in a straight line in a north-easterly direction to the point at which the Spancel Hill or southern Gort road is joined by a cross road from the northern Gort road, and which point is distant about four hundred yards from the bridge over the river Fergus; thence along the last-mentioned cross road to the point at which the same joins the northern Gort road; thence along the same northern Gort road for twenty-five yards beyond the point last described; thence in a straight line in a north-westerly direction to the Windmill Stump; thence in a straight line to the Clareen bridge.

18.—ENNISKILLEN.

The Island of Enniskillen, and also the spaces included between Lough Erne and the two following boundaries, respectively denominated East and West:—

East.—From the westernmost point of the townland of Toneystick in a straight line to the salient point of the north-western bastion of the East Fort; thence in a straight line to the salient point of the north-eastern bastion of the same; thence in a straight line in the direction of the south-western angle of the county infirmary, to the point at which such straight line cuts the boundary of the townland of Toneystick; thence southward, along the boundary of the townland of Toneystick, to the oint at which the same meets Lough Erne.

West.—From the point at which the boundary between the townlands of Cole's Hill and Windmill Hill meets Lough Erne westward, along the said boundary to a point which is distant one hundred yards (measured along such boundary) beyond the point where that boundary crosses the Florence Court road; hence in a straight line to the salient angle of the south-western bastion of the West Fort; thence in a straight line to the point at which the boundary between the townlands of Windmill Hill and Portora meets the eastern bank of Lough Galliagh; thence northward, along the eastern bank of Lough Galliagh, to the point at which the same meets the Church Hill road; thence towards the town, along the last-mentioned road, to the lodge gate of Portora school; thence along a hedge which runs at the foot of the lawn of Portora school, northward to Lough Erne, to the point at which the same meets Loch Erne.

19.—GALWAY.

The county of the town of Galway.

20.—KILKENNY.

The county of the city of Kilkenny.

21.—KINSALE.

From the point on the north-east of the town at which the new Cork road crosses the old Cork road, in a straight line to the northern extremity of Mr. Hurley's stables; thence in a straight line to the point at which the road to Bandon river leaves the road to Bandon; thence in a straight line to the point at which the Blindgate road meets the Compass Hill road; thence in a straight line over Compass Hill to the westernmost house at the place called "The World's End;" thence along the coast to the point at which the same is met by the first bank which runs up the hill to the east of and beyond the village of Scilly; thence along the said bank to the point at which the same meets the road from Scilly to Charles Fort; thence in a straight line to a point on the Harbour Hill road, which is distant one hundred and eighty yards (measured along the Harbour Hill road), to the east of the barrack wall; thence in a straight line to the point first described.

22.—LIMERICK.

The county of the city of Limerick.

23.—LISBURN.

The several townlands of Lisnagarvy, Tonagh, and Old Warren, in the parish of Blaris; also that portion of the townland of Lambeg that lies to the west of the river Lagan, and is bounded as follows: namely, on the south and west by the townland of Lisnagary, on the north between the Belsize road and the old Belfast road by a small stream which is the boundary of the townland of Maghreleave, and on the east by the old Belfast road from the point where the same crosses the above-mentioned small stream to the point where it is met by the lower road near Lambeg glebe; thence along the said lower road to the point where the same is met by "Wheeler's ditch;" thence along Wheeler's ditch to the river Lagan.

Also the space contained between the river Lagan and the following boundary; (that is to say,)

From the bridge along the Drumbo road for about five hundred yards to the point at which the same is met by another road coming out of the suburb; thence, eastward, along a ditch, on the north side of which fir trees are planted, for about two hundred and sixty yards, to the point at which the said ditch meets a lane running to the river; thence along that lane to the river.

Also the small island on the river Lagan in which are situated the vitriol works.

Also that portion of the townland of Knockmore which has hitherto formed a part of the borough.

24.—LONDONDERRY.

From the point on the south-west of the city at which Mary Blue's burn joins the river Foyle, up Mary Blue's burn to the point at which the same crosses Stanley's Walk; thence, westward, along Stanley's Walk to the point at which the same meets a road which runs nearly parallel to Mary Blue's burn; thence, northward, along the last-mentioned road to the point at which the same reashes the entrance gate to the bishop's demesne and deer-park; thence, westward, along the road which proceeds from the said entrance gate to the point at which the same turns south-westward; thence, northward, along a small stream for about seventy yards to the point at which the same meets a bank which skirts the south-eastern bank of a circular plantation, and runs up to the Creggan and Burt road; thence

along the bank so running to the Creggan and Burt road to the point at which the same meets the Creggan and Burt road; thence along a ditch which runs from the northern side of the Creggan and Burt road, and nearly opposite to the point last described, to the point at which the same meets a small stream; thence in a straight line to the north-western corner of the enclosure wall of the lunatic asylum; thence along the northern enclosure wall of the lunatic asylum, and in a line in continuation thereof to the point at which such line cuts the river Foyle; thence, southward, along the river Foyle to the point at which the same is met, on the eastern side, by a ditch or bank which forms the southern boundary of the pleasure grounds of Mr. William Bond; thence along the last-mentioned ditch or bank to the point at which the same meets the Newtownlimavady road; thence, southward, along the Newtownlimavady road for about ninety yards to the point where the said road joins the old Strabane road; thence along the old Strabane road for about three hundred and ninety yards to the point where the same is met by a narrow road running therefrom to the Tank; thence, westward, along the last mentioned narrow road for about thirty yards to the spot where the same is met by a bank, now planted with bushes, running southward; thence along the last-mentioned bank to the spot where the same is met by a lane running from waterside up a steep hill to the old Strabane road; thence to the nearest point of a small stream which is the boundary between the townlands of Clooney and Gobnascale; thence down the said stream for about seventy yards to the point where the same is met by a lane running south-westward to the fields; thence along the last-mentioned lane to the point where it cuts the boundary between the townlands of Gobnascale and Tamneymore; thence, westward, along the boundary between the townlands of Gobnascale and Tamneymore to the point at which the same meets the river Foyle; thence, southward, along the river Foyle to the point first described.

25.—MALLOW.

From the easternmost gate post (opposite the park wall of Mr. Purcell) of a field on the Kanturk road, the entrance to which is distant about one hundred and seventy-six yards (measured along the Kanturk road) from the seneschal's house, in a straight line to the gate post nearest the turnpike in a wall on the southern side of the old road which runs a little to the north of the Limerick road, and which post is distant about two hundred and forty-two yards (measured along the said old road) to the north-west of the turnpike; thence in a sraight line to the point at which a bye-lane joins the fair-lane road, about one hundred and fifty yards to the north of the entrance to the lime and salt-works; thence in a straight line to the

point at which at which the Carrigoon road, which passes under Mr. Jephson's park wall, is met by a fence which divides a field occupied by Mr. Lynch from a field occupied by Mr. Carmichael, and which point is also about three hundred and seventy-five yards to the north of a small door in the park-wall; thence in a straight line across the park to the westernmost point at which the boundary of Mr. Delacour's pleasure grounds meets the Fermoy road; thence, westward, along the boundary of Mr. Delacour's pleasure grounds to the southernmost point at which the same meets the boundary of the garden attached to the water-mill; thence in a straight line to a point on the old Cork road which is distant two hundred and twenty-five yards (measured along the old Cork road) to the south of the old turnpike thereon; thence in a straight line to a point on the new Cork road which is distant about two hundred and ninety yards (measured along the new Cork road) to the south of the said old turnpike, and which point is at the commencement of a nursery ground; thence in a straight line in the direction of the eastern corner of Captain Davis's house to the point at which such straight line cuts the Blackwater river; thence in a straight line to the gate post first described.

26.—NEWRY.

The present borough of Newry.

27.—PORTARLINGTON.

From the bridge over the Grand Canal on the Monastereven road along the Canal to the bridge over the same on the Maryborough road; thence in a straight line to the point called Butler's Ford, at which a small stream crosses the Mountmellick road; thence in a straight line to a small bridge on the Cloniquin road, which is distant about five hundred yards (measured along the Cloniquin road) to the west of the point at which the same leaves the Mountmellick road; thence in a straight line to a point on the Bog road which is distant five hundred yards (measured along the Bog road) to the west of the point at which the same leaves the Rathangan road; thence eastward, along the bog road to the point at which the same joins the Rathangan road; thence southward, along the Rathangan road to the bridge on the same over the river Barrow; thence along the river Barrow to that point thereof which would be cut by a straight line to be drawn thereto due north from the bridge over the Canal on the Monastereven road; thence in a straight line to the said bridge on the Monastereven road.

28.—NEW ROSS.

From the point on the south of the town at which the lower Ballyhack road is met by the southern fence of the garden of Belle Vue Cottage along such southern fence to the eastern extremity thereof; thence in a straight line up a steep hill to the point at which the middle Ballyhack road is joined by a bye road which runs eastward therefrom, and at which point there is a gateway and one pillar; thence along the said bye-road to the point at which the same turns to the south, and which is marked by a gateway and two pillars; thence in a straight line in an easterly direction to the southern end of the barn which stands in a straw yard on the eastern side of the upper Ballyhack road; thence, northward, along the upper Ballyhack road to the point at which the same meets the Wexford road; thence eastward, along the Wexford road to the point at which the same is joined by a road from Irish Town; thence in a straight line to the south-western corner of the burial ground at the eastern extremity of Irish Town; thence along the western boundary of the said burial ground to the point at which the same meets the Irish Town road; thence westward along the Irishtown road to the point at which the same is met by a lane which runs northward therefrom on the eastern side of Mr. Sutton's house and brewery; thence, northward, along the said lane for about one hundred and thirty yards to the point at which the same reaches a stone stile; thence in a straight line to a gateway on the Mountgarrett road which is the first on the eastern side thereof, to the north of the point at which the same is joined by a road from Irish Town; thence in a straight line in a north-westerly direction to the ruins of a quay or wharf on the western side of the river Barrow; thence in a straight line to the point at which the Kilkenny road is joined by the first bye road to the west of the Roman Catholic Chapel; thence in a straight line in a southerly direction to the south-western corner of the garden of the house attached to the Mill on the western bank of the river Barrow; thence along the southern boundary of the last-mentioned garden to the south-eastern corner thereof; thence in a straight line to the point first described.

29.—SLIGO.

Such part or parts of the town or precincts of the town of Sligo as lie or are situate within the distance of one mile, Irish admeasurement, of a certain spot in Market street in said town on which a building or erection formerly stood, called the Market Cross, being the space defined in the 17th section of an act passed in the forty-third year of the reign of his Majesty King George the Third, intituled "an act for repealing so much of an act

made in the third year of the reign of King George the Second intituled 'an act for cleansing the ports, harbours, and rivers of the city of Cork, and of the towns of Galway, Sligo, Drogheda, and Belfast, and for erecting a Ballast Office in the said city and in each of the said towns,' as relates to the port and harbour of the town of Sligo; and for repealing an act made in the fortieth year of the reign of his present Majesty, intituled 'an act for paving, cleansing, lighting and improving the streets, quays, lanes, and passages in the town of Sligo in the county of Sligo, for establishing a nightly watch in the said town, for supplying the said town with pipe water, and for improving and regulating the port and harbour thereof,' and for making better provision for the paving, lighting, watching, cleansing and improving of the said town of Sligo, and for regulating the porters and carmen employed therein, and for the better regulation and improvement of the port and harbour thereof," as the part or parts of the precincts of the town of Sligo which shall be or be deemed to be within the intent and purview of the said act of the forty-third year of the reign of King George the Third, for the several purposes in the said seventeenth section specified.

30.—TRALEE.

From the milestone on the Killarney road opposite a lane which runs eastward therefrom, in a straight line to the south-eastern angle of the garden wall of a house which is situate at the south-western corner of the barrack wall; thence, westward, along the said garden wall to the point at which the same meets another wall which runs westward to the end of Mr. Benner's brewery; thence, westward, along the last mentioned wall to the brewery; thence along the southern side of the brewery to the mill race which is beyond it; thence, northward, alone the mill race to the point at which the same meets the road which leads from the brewery to Miltown; thence, westward, along the last-mentioned road to the point at which the same meets the Ballymullen river; thence, northward, along the Ballymullen river to the point at which the same meets the Miltown road; thence in a straight line to a point on the Blennerville road which is distant four hundred and forty yards (measured along the Blennerville road) to the north of the point at which the spa road leaves the same; thence in a straight line to a point on the spa road which is distont three hundred and seventy five yards (measured along the spa road) to the north of the point at which the same leaves the Blennerville road; thence in a straight line to the northernmost point at which the new Listowel road is met by a small stream which runs alongside thereof from a pond towards the town; thence in a straight line to the point at which the old Listowel road is joined by the road which leads to Mr. Bateman's demesne; thence along the old Listowel road to the bridge on the same over the canal; thence in a straight line to the milestone first described.

31.—WATERFORD.

The county of the town of Waterford.

32.—WEXFORD.

From the point on the south-east of the town at which the sea-shore is met by a wall and footpath, which run a few yards to the north of the burial ground, which is near the country house belonging to Mr. Talbot, along the said wall to the point at which the same meets the Fayeth road; thence in a straight line to the flagstaff at the signal station; thence in a straight line in the direction of the eastern corner of Cromwell's fort house to the point at which such straight line cuts the wall of the pleasure grounds of Cromwell's fort house; thence northward, along the wall of the said pleasure grounds to the Duncormick road; thence westward, still along the wall of the said pleasure grounds, to the westernmost point at which the same leaves the Duncormick road; thus excluding the whole of the said pleasure grounds; thence in a straight line in the direction of the south-western corner of the distillery to the point at which such straight line cuts the road which runs in front of the distillery; thence along the last-mentioned road to the point at which the same crosses the Johnston road, near the bridge, over the Bishop's water; thence in a straight line to the point close to the female orphan house, at which the northern Duncannon road is met by a road which leads therefrom into the New Ross road; thence along the road so leading into the New Ross road to the ruins of the southernmost of two old windmills; thence in a straight line to a point on the New Ross road, which is distant one hundred and sixty yards, (measured along the new Ross road,) to the north-west of the obelisk; thence in a straight line to the northernmost point at which the boundary of the premises of Mr. Scallen, a brewer, meets the Enniscorthy road; thence westward, along the Enniscorthy road, to an iron gate in a stone wall, distant about three hundred and sixty yards from the centre of the diocesan school; thence along the road or path which leads from the said iron gate to the point at which the same meets the sea-shore; thence along the sea-shore to the point first described.

33.—YOUGHALL.

From the point to the south of the town where the new road to Cork quits the sea-shore, northward, in a straight line to the point in Windmill Lane where the same is joined by a bye road from the north, about two hundred yards to the west of the

nouse occupied by Mister Flynn; thence in a straight line to the south-western angle of the ordnance ground on which the barracks stand, near the old Cork road; thence along the western fence of the ordnance ground to the north-western angle of the same; thence northward, in a straight line to the spot where the upper edge of the great quarry near Counsellor Feuge's house is cut by a road which runs through the same to the Mount Uniacke road; thence along the road so running through the quarry to the point where the same meets the Mount Uniacke road; thence northward, in a straight line to the point where a bye road which leads from the Mount Uniacke road to the Waterford road makes a turn almost at right angles a little to the south of the house called Eustace's Folly; thence northward, along the same road, passing to the west of Eustace's Folly, to the spot where the same road meets the Waterford road; thence in a straight line to the nearest point of the sea-shore; thence along the sea-shore to the point first described.

An Act to explain doubts that have arisen respecting the Stamp Duty payable by Freemen of Corporations entitled by virtue of trade and residence in the corporate towns and counties of cities and towns in Ireland.

7th August, 1832.

WHEREAS an act passed in the parliament of *Ireland* in the thirteenth and fourteenth years of the reign of his late Majesty King *George* the Third, whereby a stamp duty of sixpence each was imposed upon the admissions of all freemen into corporations, whether claiming by right or favour, which said duty was increased to one shilling each by another statute passed in the nineteenth and twentieth years of the reign of his said late Majesty, and was further increased to two shillings each by a statute passed in the thirty-seventh year of his said late Majesty: and whereas at the time of or immediately before the legislative union between *Great Britain* and *Ireland*, by a certain other statute passed in the parliament of *Ireland* in the fortieth year of his said late Majesty King *George* the Third, the duty payable on the admission of all freemen into any corporation or company in *Ireland*, whether entitled by right or favour, was fixed and settled at ten shillings each: and whereas by an act passed in the fifty-sixth year of his said late Majesty King *George* the Third, intituled, *An Act to repeal the several Stamp Duties in* Ireland, *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulation for collecting and managing the said Duties,* the stamp duty payable by freemen of corporations was still further increased, that is to say, for the entry or memorandum of admission in the court book of the corporation, where the admission shall be in respect of birth, apprenticeship, or marriage, one

56 G. III. c. 56

pound each, and where the same shall be on any other ground, three pounds each; and whereas at all times since the enactment of the said last-mentioned statute, alien and foreigner, and his Majesty's subjects, who by virtue of being engaged in any trade, mystery, or handicraft are, by any charter, bye-law, usage, or statute, entitled to claim or take up the freedom of any corporation or company in *Ireland* as of right, have been universally deemed, reputed, and considered as persons claiming or taking up freedom by right of apprenticeship, and by reason thereof have been uniformly admitted to their freedom on payment of the duty of one pound each: and whereas doubts have lately arisen as to the right of such persons who by virtue of being engaged in any trade, mystery, or handicraft, are so entitled to claim or take up their freedom as aforesaid being entitled to claim or take up such freedom upon the same terms and conditions and subject to the same duty as freemen claiming by right of apprenticeship as aforesaid: and whereas, for the better collection of his Majesty's revenue, and the more liberal enjoyment of the said franchise or privilege, it is expedient that the said doubts should be removed: be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all strangers and aliens, and his Majesty's subjects, who, in virtue of being engaged in any trade, mystery, or handicraft, are or shall be by any charter, bye-law, usage, or statute, entitled to claim or take up the freedom of any corporation or company in *Ireland* as of right, shall be admitted to such freedom upon payment of the same duty as all other freemen by right are admitted to their freedom, that is to say, on payment of the duty of one pound only for the registry, entry, minute, or memorandum thereof in the court book, roll, or record of any corporation, guild, or company; any thing contained in the said herein-before recited statute passed in the fifty-sixth year of the reign of his said late Majesty King *George* the third, or any other statute or law, to the contrary thereof in anywise notwithstanding.

Persons who by virtue of being engaged in any trade in cities and towns in Ireland, can claim the freedom thereof, may be admitted to such upon payment of the same stamp duty, as other freemen.

s. 2. Provided nevertheless, and be it further enacted, that in default of payment of such sum as aforesaid the freemen entitled under this act shall be subject to the same penalties to which freemen in right of birth, marriage, or service are or would be liable.

Freemen under this act subject to same penalties as others.

APPENDIX II.

No. 1.

Decision of the House of Commons on the Right of Election, as to the City of Limerick, *on an Appeal by the Corporation of* Limerick. *(a)*

23*d May*, 1821.

That the right of election of members to serve in Parliament, for the city and county of the city of *Limerick*, is in the freeholders of the said county of the said city, and in such freemen of the said city as were resident therein at the time of their admissions to their respective freedoms.

That the eldest sons of freemen, and persons who have married the daughters of freemen, and persons who have served seven years' apprenticeship to freemen of said city, are entitled to the freedom of said city, and to vote at elections for same.

(a) See the statute. 4 *Geo.* IV. *(Loc. & Pers.) cap.* cxxvi.

No. 2.

CASE

OF

THE TOWN OF WEXFORD.

15th *March*, 1830.

HENRY CLIVE, Esq., Chairman of the Select Committee.

Sir ROBERT WIGRAM, the Sitting Member.

Charles Roper, *William Goodisson*, and others, freemen of the borough and town of *Wexford*, petitioners, complaining of an undue election and return.

Harrison and *Adam* in support of the petition.

Taddy Serjt. and *Wigram* for the sitting member.

Starkie and *Lynch* for the returning officer.

An objection was made on the part of the sitting member, that the question as to the right of voting was not raised upon the petition, and that therefore the parties were not called upon to exchange lists and statements of the right of voting.

The committee determined, that the question upon the right of voting was raised upon the petition.

Evidence was given that admissions of freemen regularly took place on the 29th *September* and 29th *June*, which were called charter days. It was also usual to give eight days' notice of the election of a burgess and freemen at other times, by posting a notice publicly at the court-house, and to elect them at the assembly so called.

Residence.

Evidence was given that for more than forty years *residence* had never been required as a qualification.

Apprentices.

Evidence was given that persons who had served apprenticeships were admitted, upon a certain form being complied with, but only on the charter day. It appeared, however, by the books, that they were admitted on the other days, in some instances. A petition was drawn, and deposited with the town-clerk, who on the charter days presented it to the mayor in assembly; if he found it correct, a jury of twelve freemen was formed, who examined the master and witnesses to the indenture; and if they found that the apprentice had served faithfully and properly, and that there was no collusion, he was admitted.

Peculiar Freemen.

The mayor, either upon coming in or going out of office, exercised the right of nominating two, who were called "Peculiar Freemen." These were never opposed.

In other cases the question of admission was put, and determined by a majority of those present.

Batches.

In 1813 a special meeting to admit freemen was held when forty-eight were admitted, a considerable number of whom were strangers in the town, and tenants and nominees of the Marquis of *Ely*, who possessed no property in the borough.—They were proposed and seconded one after another, but the question was not put *upon each;* it was put upon all "in a lump." These elections were called "batches," and the freemen "batchmen."

Evidence was given that *Wexford* was in the possession of rebels for about three weeks, in 1798. One of the allegations of the petition charged the Marquis of *Ely* with improper interference at the election. The petitioners offered several writings in evidence found among the papers of a Mr. *Nevill* by his executors, signed by the late and the present Marquisses, some purporting to be agreements, others being letters addressed to Mr. *Nevill*. The reception of the agreements in evidence was objected to, as they were not stamped. The chairman said, if illegal, they coud not be read as agreements, but they might as papers signed by the parties. The agreements were as follows:—

"It is agreed between Lord Loftus and Mr. Nevill, that a cordial union shall exist between them in the borough of Wexford, which is to be continued to their issue male, and in failure thereof to the nominees, to whom each of them respectively shall bequeath his interest; each to have one member of parliament, mayors, &c. alternately, but each mayor to act in trust for both parties, to keep up their common interests. The burgesses in like manner to be chosen alternately, equal numbers of freemen to be made, and all expenses to be borne equally, and, as far as each can effect, to make their friends equally trustees for both parties; and in cases of minority, this agreement to be fulfilled by the guardians.

"Signed at Dublin,
May 6, 1798,
"*G. P Bushe,*
"*Henry Alcock.*
"*Loftus.*
"*Rrd. Nevill.*"
John Wolfe.
Charles Powell Leslie."

" The representation of the town of Wexford having been limited by the articles of union to one member, Lord Ely and Mr. Nevill have agreed to take the return of such member by alternate succession of Parliaments. The return of the first member shall be decided pursuant to the proclamation on Monday the 1st of December; and the party in whose favour such return shall be so decided, shall fill all vacancies that may arise by death or otherwise, during the period of the first Imperial Parliament. And the other party shall have the return for the succeeding; and shall fill all vacancies that may arise by death or otherwise during that period. And so in alternate succession of Parliaments.

" Dated 30th November, 1800. " *Ely.*
" *R. Nevill.*

" We adopt, continue, ratify and confirm the within agreement in the presence of our mutual friends, subscribers thereto.

" Dublin, June 16, 1806. " *Ely.*
" *R. Nevill.*

" *Frankfort.* *John Wolfe.*
" *Thomas Burgh.* *Allan Mac Lean.*

The letters related to "the making new freemen,"—preventing "the non-residents being knocked off,"—"ordering in his freemen from *Feathard*" to attend on the charter days,—keeping the corporation "close," and other matters relative to the management of the corporate affairs and the representation, which was called the "joint property."

Where a charter was accepted by a corporation, in which freemen *residing* in the town were made the community, although residence had not been required for 40 years, as a qualification on admission, held, that freemen not resident at the time of their admission have not the franchise.

Some extracts were read from the the charter of *Henry*, containing an *inspeximus* of the charter of *Ademar de Valence*, late Earl of *Pembroke* and Lord of *Wexford*; and *Montiniac*, "old liberties granted to the burgesses of *Wexford*." Also from the charter, *Jac.* I. whereby he granted to the sovereign, bailiffs, and burgesses of the town of *Wexford*, or by whatsoever name the dwellers or inhabitants of the town or borough aforesaid may be named, called, or known, that the said town or borough, together with the suburbs of the same, and the whole extent or space of land or water within the ancient limits, bounds, and franchises thereof, be for ever a free borough, corporate of itself, to be known by the name of The Town or Free Borough of Wexford; and that the said town or borough shall be one body, incorporate and politic, created and made of the dwellers or inhabitants of the said town or borough, consisting of one mayor, two bailiffs, free burgesses and community, and there shall be twenty-four free burgesses, of which the mayor and bailiffs for the time being shall be three. The charter then named "mayor, bailiffs, and twenty-one free burgesses," which twenty-one free burgesses with the mayor and bailiffs shall make the common council of the said town or borough; and all other free men *residing*, or that shall hereafter *reside* in or under the said town or borough, are made the community. They are then incorporated by the name of " Mayor, Bailiffs, Free Burgesses, and Community of the

Town or Borough of Wexford;" and it is granted that the mayor and bailiffs be for ever, after the feast of *Saint Michael* the Archangel next coming, (*to* which feast the first mayor was constituted) yearly *elected*; and if any of the free burgesses should die or be removed, the mayor, bailiffs, and other free burgesses and community, or the greater part of them, may from time to time choose another fit person in his place, and every mayor or bailiffs chosen, on the feast of *Saint Michael* the Archangel next after the election, may take the oaths before the mayor who preceded in the office, in the presence of the free burgesses and community, or the greater part of them, in the *Tholsel*, and every free burgess and every free man, chosen and admitted into the freedom of the said town or borough shall take and receive, before the mayor and bailiffs for the time being, so many and such oaths as have been anciently used and administered to the free burgesses and freemen in the said town or borough.

The following statement of the right of voting was delivered in by the petitioners:—

"That the right of election for members to serve in parliament for said town or free borough of Wexford, is in such freemen of the said town or free borough, as had served apprenticeships or were resident therein at the time of their respective freedoms.

"That no person can be admitted a freeman of said town or free borough, who has not served an apprenticeship therein, or who is not resident therein at the time of his admission.

"That subject to the foregoing limitations the persons having served seven years apprenticeship to freemen of the said town or free borough, are entitled to the freedom of the said town or free borough, and to vote at elections for the same.

"That all merchants, traders and artificers and seamen, residing, inhabiting and exercising their trade, mystery or craft within said borough, are of right entitled under the act of the 13th and 14th of Charles 2, intituled, 'an act for encouraging Protestant strangers and others to inhabit and plant in the kingdom of Ireland,' are of right entitled to the freedom thereof, and to vote at elections for the same during their constant residence therein and no longer."

On the part of the petitioners, it was stated, that they were willing to limit the right of apprentices, to persons serving apprenticeships to *freemen in* the town of *Wexford*.

The right so claimed, it was resolved by the committee, 'is not the right of election for the town or borough of *Wexford*.' It will be seen, however, that they adopted a determination very close to it.

The right of election delivered in on behalf of the sitting member was as follows:—"In the mayor, bailiffs, free burgesses, and community of freemen, whether resident or not." This also was negatived.

The committee then determined:—

The right of election.

"That the right of election for members to serve in parliament for said town or free borough of Wexford, is in such freemen of the said town or free borough as have served apprenticeships therein, or were resident therein, at the time of their admission to their respective freedoms. That no person can be admitted a freeman of said town or free borough who has not served an apprenticeship therein, or who is not resident therein, at the time of his admission. That subject to the foregoing limitations, the persons having served seven years apprenticeship to freemen of the said town or free borough, are entitled to the freedom of the said town or free borough, and to vote at elections for the same. That all persons admitted to the freedom of the said town or borough, by virtue of an act passed in the 14th and 15th years of the reign of his Majesty King Charles II. intituled, 'an act for encouraging Protestant strangers and others to inhabit and plant in the kingdom of Ireland;' or by virtue of the new rules of the said town or borough, are entitled to vote at elections for members of parliament therein, according to the directions of the said act and new rules."

The petition of one who has voted at the election, is good, although it may be shown that he was not entitled to have voted.

The committee having determined that residence was a necessary qualification to the right of voting, an objection was taken on the part of the sitting member to the petitioners proceeding further, as none of them were resident at *Wexford*, at the time of their election, voting or petitioning.

For the petitioners it was submitted that the objection, if taken at all, should have been taken before they commenced their case.

The counsel for the sitting member stated that he had given notice at the commencement of the proceedings that he should take the objection when the proper time arrived for his so doing.

The committee determined that the counsel for the sitting member had taken the objection at the proper time.

The petitioners then proceeded to show that the petitioner *Goodisson* was a freeman, admitted and sworn, more than six years, and urged that therefore his title could not be impeached; they referred to the cases of *Evesham*, *Drogheda*, *Kilkenny* and *Sudbury*, and the 38*th Geo. III. Ir. c.* 2.

The admission, however, was not stamped, and it was therefore objected that *Goodisson* was not a freeman.

The case of *Drogheda* was cited in reply.

The committee determined, without coming to any decision upon the question as to the stamps, that the petitioner having claimed to vote, and having voted at the last election, was entitled to petition the house.

The numbers at the election were—

For Sir *Robert Wigram* 79.
Sir *Edward Cholmeley Dering* 48.

Freemen elected in *batches*, in (a separate question as to admission

Harrison, for the petitioners, then objected to the freemen elected in 1795 and 1813, as illegally elected, inasmuch as the question was put upon them in a lump, instead of being put

upon each individual freeman, and he referred to Rex v. Munday *(a)*, and Rex v. Player *(b)*.

not having been put upon each) are unduly elected; and the votes cannot stand unless it be shown that the defect has been subsequently cured.

The evidence as to the "batchmen" of 1795 was from the corporation book. The beginning of the entry was—"At the said assembly *D. L.* was unanimously admitted a freeman." Then followed a list of names, and at the end, "are unanimously admitted *freemen* of the said borough."

It will be inferred they were elected in a batch if the names of all be contained in a single entry of admission.

There were twenty-two voters subject to this objection; and the petitioners having closed their case upon this class of voters called upon the sitting member to show they were good votes.

Taddy Serjt. insisted that the petitioners should go through the whole of their case upon the objected voters, before he was called upon to answer.

The committee determined that the sitting member should proceed and answer the objection made to these votes.

Harrison then offered to give more evidence as to these votes, to show that they were *sworn* at the *last* election. This was objected to.

The committee determined that the additional evidence could not be given, as they had come to a decision on the course to be pursued.

It was urged for the sitting member that the objection to votes elected in batches in 1795 and 1813 came too late, after the lapse of time since their election.

Mere length of time will not cure the defect, nor the having frequently voted as freemen at elections or otherwise, where it appears that the party has been *sworn* as a freeman within six years, and no proof is given of his having been sworn before. But if it be shown that, though sworn recently, he was also sworn more than six years before, the vote will stand.

The committee determined that the votes of 1795 and 1813 were unduly elected; and that the *onus* lay on the sitting members to prove that the defect in their election had been cured.

Evidence was then gone into, as to several of the voters, to show that they had acted and served as freemen in many instances since the time of their election.

Loftus Codd, one of the votes objected to, appeared to have signed the book at an assembly, held on the 8th of *September*, 1812, for the election of a mayor in the room of a deceased mayor. He also signed an entry of the proceeding of an assembly on the 13th of *September*, 1816.

The petitioners, in answer to this evidence showed that *Codd* was *sworn* as a freeman at an assembly held on the 1st of *June*, 1829, for the election of a burgess to serve in parliament; and that there was no previous entry of his being sworn.

On the other side, evidence was given, that some who were sworn in 1829, had also been sworn before; and a witness stated, that whenever any of the voters had a doubt on their own minds whether they had been sworn before, they were generally sworn again. Another witness said, that the practice was in every instance in which a freeman was sworn, that an entry was made of his being sworn; every thing that was done being entered by the town clerk, and read aloud by him.

Similar evidence was given, as to *Richard Lewis*,—who had acted in 1809,—*James Agar*,—who had acted in 1813, at an

(a). *Corp.* 530. *(b)*. 2 *Barn & Ald.* 707.

assembly held "for electing a burgess to serve in parliament, for electing five burgesses and admitting to their freedom such persons as it may seem meet;"—similar evidence was given as to *John Doherty* and others.

The committee, to whom the *Drogheda* case was cited, determined, that the votes of *Loftus Codd, Richard Lewis,* and *James Agar,* were bad votes; and that all those who stood in a similar situation were bad votes.

The twenty-two votes were struck off the poll.

It was afterwards stated, that there was one voter, in the list of twenty-two, who appeared to have been sworn in six years before the election; and some entry was read for the purpose of showing this; and it seems to have been considered that the vote should be restored to the poll.

Non-residence may be established by showing that the addition of place annexed to the voter's name in the entry of his admission is without the limits of the borough. The committee are confined to the lists of objections to voters first interchanged, and therefore, though the whole of such entry may be read where part is produced, the party who has not taken the objection of non-residence cannot cross-examine in order to show the non-residence of voters on the opposite side.

The petitioners then went into objections to eleven voters as described on the poll, and on the corporation book, by certain additions of place, and gave evidence to show that the voters were not resident, and the places mentioned were without the limits of the borough; as to one, *Joseph Dice,* it was admitted that the evidence rested upon the description in the book and the poll. No entry of the admission of three of these voters, (amongst whom was *Thomas Agar,*) could be discovered on the books.

The petitioners then required the sitting member to show that the voters had been sworn six years before the time of their voting, and that they were resident at the time of their admission.

Much discussion arose as to the right of the sitting member to cross-examine the witnesses with the object of affecting the validity of the votes for Sir *Edward Dering,* and *Taddy* Serjt. stated that it would appear by the entries in the book adduced in evidence on the other side, that votes given for Sir *E. Dering* were in the same situation as the votes objected to by the petitioners, and contended that he had a right to the benefit of those entries.

The committee determined that the sitting member's counsel might, in his cross-examination, have the whole or any part of the entry in question read.

After a cross-examination as to residence, to show, that though, for late years, the voters were not resident, they might have been at their admission, *Taddy* proceeded to cross examine as to the residence of persons who voted for Sir *E. Dering.*

Harrison objected to the first question put, on the ground that at no time, nor under any circumstances, were the counsel for the sitting member entitled to attack any of the voters of Sir *E. Dering,* on the ground of non-residence, as no list of such objectionable votes had been given in; and he referred to the acts, 42 *Geo.* III. *c.* 106, *s.* 3; 47 *Geo.* III. *c.* 14. and 53 *Geo.* III. *c.* 71;—the case of *Truro (a),* in 1819; *Denbigh* in 1827; and *Evesham* in 1820.

(a) *Corb. & D.* 175.

The committee determined, that the acts of parliament of the 42 *Geo.* III. *c.* 106, and 47 *Geo.* III. *c.* 14, confine the committee to the lists of votes, the statements of particulars, and the grounds of objection first interchanged.

Harrison, after some further evidence as to the non-residence, stated that he had closed his case upon those eleven votes.

Taddy submitted that the petitioners could not afterwards go into any other objection against those eleven votes.

The chairman stated, that the committee had already decided that each objection should be taken separately.

The committee determined that ten of the votes (including *Joseph Dice*) were bad votes; and reserved the vote of *Thomas Agar*, of whom *Taddy* had stated that he thought he could show that *Thomas Agar* had voted by the name of *John*.

These ten, added to the former twenty-one, brought the parties even. The petitioners succeeded in taking off the vote of another voter, who by the entry in the corporation book, 2d *July*, 1782, appeared to be admitted as *William Robinson* of *Rochestown*, and was so described on the poll; and a witness stated he had known him for thirty years, and never knew him to live any where but at *Rochestown*.

An apprentice, entitled to freedom, presented his petition, in 1826, to be admitted, to a corporate assembly, but without stamp, &c. He afterwads presented his petition to the mayor sitting alone, and tendered a stamp, &c. He had applied to K. B. for a *mandamus* in 1829, but the proceedings were pending. Held, not entitled to vote.

The petitioners then endeavoured to establish the vote of *Richard Allen*, the entry as to whom appeared on the poll to be *Richard Allen* of *Wexford*, under the head of "*Dering*;" objection, "not a freeman," and the vote rejected.

It was proved that he had been apprentice to a freeman in *Wexford*, in *January*, 1818, and served for seven years. He applied on the 29th of *September*, 1826, in the court-house, and at the assembly, to be admitted a freeman, in respect of his apprenticeship. The petition was handed to the bench where the new mayor presided, and the town clerk read it. The mayor said it was not the proper day for the admission of freemen, but only for the swearing in of officers. He was pressed for a decisive answer as to whether he would grant the freedom or not; and he would give no further satisfaction. The mayor was subsequently applied to in the court of conscience, in *February* or *March*, 1829; but it was not at an assembly of the corporation. A petition was presented. The mayor would not keep it and threw it back; and he was requested to call an assembly to hear the application, which he refused to do. A 1*l.* stamp for the admission was presented to him, and the party offered to take the requisite oath. The petitions were not produced.

Taddy insisted that the production of the petition was necessary.

Adam was heard *contra*, and referred to the entry on the corporation book on the 29th of *September*, 1795; "*Robert Hughes*, found by the jury entitled to his freedom in right of his apprenticeship, by virtue of a bye-law of the 29th of *June*, 1785."

A witness was called by the sitting member and stated that the course uniformly was for the apprentice to present a petition *in writing*. There was a good deal of examination, in the course

of which it appeared that the petition presented at the assembly of the corporation had come into the hands of the law agent of the sitting member; and that that presented at the court of conscience, was thrown on the floor, and probably, afterwards taken up by some of the mayor's friends.

The committee determined, that the vote of *Richard Allen* was a bad vote.

A freeman was admitted in 1795, and sworn at the election in 1829, A few days before the election the mayor, (to whom the town clerk had handed the corporation book) was required to have the book delivered to the distributor of stamps, to have the stamps affixed to various unstamped admissions. The mayor and town clerk both refused to interfere, and separate stamps were then purchased. Vote, held good.

Taddy, for the sitting member, then proceeded on the head of objection, the want of *stamps*.

Nathaniel Hall was admitted on the 29th of *June*, 1795, and there was no stamp on his admission. He was sworn on the 20th of *June*, 1819, at the election, and had voted for Sir *E. Dering*.

Adam, in answer to the objection, stated, that *Hall* was not on the list of persons objected to on the ground of not being sworn; (but note, the evidence, as to the swearing, was given to raise an inference that he was not sworn more than six years before.) He also referred to *Rogers v James (a)*, and the cases of *Drogheda*, *Fowey*, *Cardigan*, *Oakhampton*, and *Derby*; and he relied on the annual indemnity act, 10 *Geo.* IV. *c.* 12, *s.* 5, under which the stamp had been offered.

The evidence as to the offering of the stamp was this,—The witness examined the corporation book, in the possession of the mayor, who had got it from the town clerk, and found that the stamps, as to several voters who, he supposed, would vote for Sir *E. Dering*, were defective; and he applied about the 21st or 23d of *May*, (about ten days before the election) to the mayor to have the book delivered to the distributor of stamps in the town of *Wexford*, in order that the original entries of the admissions of those freemen the witness should point out might be stamped. He served a notice on him to the same effect. The mayor refused. The witness then applied to the acting town clerk, to ascertain if he would enter the admissions of the freemen upon a separate stamp, in a manner before practised, which was called "blotting." The town clerk refused to interfere. The name of *Nathaniel Hall* was in the list of those for whom the application was made. The witness afterwards purchased the stamps, which were produced before the committee.

The committee determined that the vote of *Nathaniel Hall* was a good vote.

The vote of *Samuel Williams* was allowed upon similar evidence.

Reputation of being a freeman, and having acted as such within six years, insufficient without proof of admission.

Wigram, for the sitting member, objected to the vote of *Walter Hore*.

Two *Walter Hores* had voted at the election. The younger, *Walter Hore* of *Harperstown*, was declared a peculiar freeman in *September*, 1804. The elder was called *Walter Hore* of *Seafield*, and was uncle to the former.

An entry was read from the corporation book, 5th *August*, 1783, of an assembly for electing burgesses, at which, "*Walter*

(a) 2 *March*, 425, 7 *Taunt*, 147.

Hore, burgess," appeared to have been present; there was a poll, and among the voters was "*Walter Hore*, Esquire."

The witnesses stated that *Walter Hore* of *Seafield* never was a burgess, and that the entry referred to *Walter Hore* the father, who had been dead many years. *Walter Hore* the nephew, was a burgess. *Walter Hore* the uncle, claimed to be a freeman, and was reputed to be so, and at the general election in 1825, had proposed Sir *Robert Wigram;* his vote was refused at the last election, till he pointed out the entry in the book of having proposed Sir *Robert Wigram;* he was enrolled on the corporation book, and in consequence of his name being enrolled he was allowed to vote.

The committee determined that *Walter Hore* was a bad vote.

Evidence of an old witness that the voter did not reside in the town within his memory, reaching back to the time of admission. Held sufficient, though not positive in all respects.

The petitioners then impeached the vote of "Major *John Devereux*, of the *Wexford* regiment of militia," upon the ground of non-residence. He was admitted a peculiar freeman, by that style in *September* 1809. His residence was at *Newtownbarry*, twenty miles from *Wexford*. An old witness stated that the voter did not live in *Wexford* in his memory.—The witness did not know where the *Wexford* regiment was quartered in 1809; nor could he assert that Major *Devereux* was not quartered in *Wexford* in that year.

The committee determined that *John Devereux* was a bad vote.

Vote allowed where an old freeman had acted as such, and resided, many years before.

Taddy then objected to the vote of *John Sparrow* of *Ballinclay*, of whose admission or swearing there was not any entry. But it appeared he was a man aged eighty years; and formerly lived at *Cooles;* and appeared as voting in 1783, also in 1793, and described as of *Cooles*. And *Taddy* then admitted, that the explanation given was reasonable, and that the vote must be declared good.

Voter admitted, but not sworn in 1813. Rejected, admission being unstamped.

He then made three objections to the vote of *John Horton*; —not sworn,—not stamped,—and that he was one of the batch of freemen, and was described as of *Garrybritt;* and he contended that he had a right to object to the vote, though not on the list he had given in; and that there was evidence on the examination in chief by the petitioners sufficient to impeach this vote and many others of the same class; and he referred to the 42 *Geo.* III. *c.* 106, 47 *Geo.* III. *c.* 14; *Parken v Whitby (a)*, and the cases of *Middlesex* and *Evesham*.

Upon reference to the corporation book, it appeared that *John Horton* (admitted in 1813) was described as of *Kilconnup*.

The committee determined, that this case came within their previous resolution,—(that as to non-residents.)

This voter did not appear to have been sworn at all; and on the question as to the want of a stamp.

Harrison stated that he could protect this voter on another ground, but not on the ground of stamp.

The committee determined, that the vote of *John Horton* was a bad vote.

(a) 1 *Turn. & K.* 366.

Non-residence.

The vote of "*Robert Maddock* of the city of *Dublin*, gentleman," was determined to be a bad vote, upon evidence of non-residence given on the part of the sitting member.

Burgess sworn within six years; want of stamp on his admission not cured.

The vote of Admiral *Henry Evans* was then objected to.—He was elected a burgess on the 23d of *September*, 1822, and on the 29th of *September*, 1823, it was entered that he, "heretofore elected a burgess, was sworn into office." He was not sworn as a freeman until 1829, and there was no stamp upon his admission.

Taddy argued, that having been sworn as a burgess did not prove the man had been sworn a freeman.

The committee stated, that the entry appeared of his being admitted a freeman, and admitted a burgess, and sworn a burgess, but not that he had been sworn a freeman six years before the election.

Adam, in support of the vote, referred to the case of *Drogheda*.

The committee determined, that Admiral *Evans* was a bad vote.

Non-residence.

Nicholas Barrington of *Ballycogley*, nominated a peculiar freeman in 1815, was declared a bad vote upon evidence of his residing at *Ballycogley*, and that it was about five miles from *Wexford*. The committee had had evidence that the liberties of *Wexford* did not extend above half-a-mile.

Vote of a freeman admitted in 1803, and sworn in 1813, as a burgess. Held good, although no entry of his being sworn a freeman, and he was non-resident.

The vote of *William Roper*, of the city of *Dublin*, named a peculiar freeman in *September*, 1803, and sworn a burgess in *February*, 1813, was held a good vote; there was no entry of his being sworn in 1829, nor at all, except as a burgess in 1813.

Charles Jacob, elected mayor on the 29th of *June*, and sworn in on the 29th of *September*, 1813, was held a good vote.

Batchman. Objection not cured by time without proof of swearing.

The Reverend *Henry St. George* was admitted one of a batch on the 29th of *June*, 1781; he was not sworn in 1829, nor any other entry about him, save that it appeared he voted at a contested election in 1783, when several persons were marked as "sworn," but the word was not written after his name. Held a bad vote.

Non-residence.

George St. George Irwine, admitted a peculiar freeman in 1815. Held, a bad vote, on evidence of not being resident in 1815, nor for some time before.

William Toole—sworn in as a burgess in 1825, and mayor in 1827. Held, a bad vote.

Non-residence.

George Ronan, merchant, was admitted a freeman, upon a stamp, on the 29th of *June*, 1781, and described as of *Wicklow*; on the poll it appeared,—*George* David *Ronan* of *Wicklow*, voted for Sir *Robert Wigram*. Witnesses, who were young in 1781, had never known a person of the name resident in *Wexford*; but one of them knew a *George Ronan*, a pro-collector, resident in *Wicklow* in 1790, and for ten years after; but he could not tell whether that person was the voter *George David Ronan*. Held, a bad vote.

The admission of *Joseph Gainfort*, 2d *July*, 1782, was not stamped, but he was one of those for whom a stamp was procured. It was shown, that though the witness who had applied to the mayor had made a list of names of freemen whose admission was unstamped, he did not mention the names to the mayor, nor communicate the list to him. It was also shown that *Gainfort* had not ever communicated with the witness, nor authorised the application. The authority was from Sir *E. Dering*.

Purchase of stamp held sufficient, though officer who held the book, and was required to deliver it to stamp-office to have the admissions stamped, was not informed of the party's name; nor was the person who made the request then authourised by the individual freeman.

The committee determined this to be a good vote.

Taddy said, that if the committee thought the mere circumstance of the witness having applied to the mayor for the book to be stamped, and having a list in his possession, not communicated to the mayor, of the persons whose admissions he proposed to be stamped, no demand being made by any individual voter, was sufficient, he would not go through other voters who came under that description; and Sir *E. Dering* would then have a majority, which, probably, he should not be able to defeat; but that he apprehended the indemnity act of the 10 *Geo.* IV. did not apply to the case; and that there was no evidence that the voters themselves had applied to have their admissions stamped.

The committee determined they would adhere to their previous resolution, as to stamps.

Candidate who did not petition for the seat, held duly elected.

Taddy was heard upon the point as to the propriety of the committee returning Sir *E. Dering* as duly elected when he had not petitioned for the seat, under the 9 *Geo.* IV. *c.* 22; and referred to the case of *Middlesex*, the *Canterbury* case, the *Morpeth* case, the *Downton* case, and the *Colchester* case.

Harrison, on the other side, referred also to the cases of *Leominster* and *Fowey*.

The committee came to resolutions, upon the right of voting, as before set forth; that Sir *R. Wigram* was not duly elected; and that Sir *E. Dering* was duly elected, and ought to have been returned.

No. 3.

4 Geo. IV. (Pub. Loc. & Pers.) Cap. cxxvi.

An Act for the better Government of the City of Limerick, *and the due appropriation of the Public Revenues thereof.*

18*th July*, 1823.

" Whereas the city of *Limerick* is a city by prescription and charter, enjoying rights, franchises, tolls, customs, privileges and immunities granted and confirmed by their late Majesties, King *John*, King *Edward* the First, King *Henry* the Fifth, King *Henry* the Sixth, King *Henry* the Seventh, King *Edward* the Sixth, her late Majesty Queen *Elizabeth*, and his late Majesty King *James* the First.

" And whereas all the tenures of the said city are by the said charters granted to the citizens of the said city to be disposed of at their will by the common consent of the said citizens.

" And whereas the corporation of the said city is bound out of the revenues of the said city to maintain divers ways, bridges, and public works, within the said city and liberties thereof.

" And whereas many of the anicent books and records of the said corporation have been lost, withheld, or suppressed, whereby the rights, privileges, and franchises of the citizens of the said city have been endangered, and the public revenues of the said city have not been duly applied.

' And whereas the citizens of the said city are by royal charters empowered to meet together in a certain place, within the said city, and bye-laws for the use and benefit of the said city to ordain and establish.

"And whereas the confirmation and assent of the said citizens so assembled under the royal charters in general assembly or court of D'Oyer Hundred, are by the ancient constitution of the said city necessary to give force and validity to the acts of the common council of the said corporation, provided that nothing be proposed or debated in the said court of D'Oyer Hundred until the same shall have first passed the common council of the said city, provided also, that the electors of any mayor, sheriff, recorder, town clerk, or other officer shall be made by the members of the common council only.

"And whereas it is expedient to provide for the security and due appropriation of the public revenues of the said city."—[After this recital the act proceeds to regulate the corporate meetings and elections of corporate officers.]

Oath of freeman exercising franchise at court of D'Oyer Hundred.

s. 8. And be it further enacted, that if any freeman shall be so required by any other two freemen, he shall at any time when he claims to exercise his franchise by voting at the court of D'Oyer Hundred, take and subscribe the oath set forth in the schedule (c.) to this act annexed, which oath the mayor, sheriffs, or common speaker, is and are hereby authorised to administer; and no freeman, who shall refuse to take such oath as aforesaid, shall be capable of exercising his franchise as a freeman as aforesaid, until he shall have duly taken such oath; provided always, that such oath shall in no case be required to be taken by any freeman, who shall have first actually taken upon himself, had held, or executed his franchise six years, or more, before the commencement of this act, such six years to be reckoned and computed from the day on which such freeman shall have been actually admitted and sworn into his freedom.

Exception as to those who had exercised the franchise six years before the act.

s. 10. And whereas by an act of parliament passed in the parliament of *Ireland* in the tenth year of the reign of his late Majesty King *Henry* the Seventh, intituled, "*An Act that none be admitted Alderman, Juror, or Freeman in no town, but if he have been Prentice or Inhabitant in the same,*" it is amongst other things enacted, "that ne city or great town within the land of *Ireland* from this time forward receive or admit any person to be Alderman, Juror, or Freeman, within any of the said cities or towns but such persons as have been prentice or been continually inhabite in the said cities or townes," and whereas by a resolution of the common council of the city of *Limerick*, passed in the year 1707, it is declared "that no person whatsoever, not living and residing within the said city should be thereafter made free of the corporation, and that such resolution should be a standing rule of the said council," and whereas a judgement of *ouster* was pronouced by the Court of King's Bench in *Ireland* against a non-resident freeman of the said city of *Limerick* on the ground of non-residence; and whereas by the last determination of the House of Commons on the right of election for the said city, it appears that the right of election, in respect of freedom, is in such freemen of the said city as were resident therein at the time of

No person to be made free, who shall not be resident at the time of his admission.

their admissions to their respective freedoms; be it enacted, that no person whatever shall be elected or admitted to the freedom of the said city, or the freedom thereof granted to him, unless he shall be resident within the county of the said city at the time of his admission to his freedom.

Against votes of occasional freemen.

s. 12. And whereas it is expedient to provide against the infringement of the rights of the freemen of the said corporation, be it enacted, that from and after the commencement of this act, no freeman shall be allowed to act as a freeeman unless such person shall have been duly admitted to his freedom and taken the oath as a freeman six calendar months at the least before he shall so act, and if any person shall presume to act contrary to the true intent and meaning of this act he shall for every such offence forfeit and pay the sum of 100*l.* to him, her, or them, who shall inform or sue for the same in manner hereinbefore mentioned, and every act done by any such person before he shall have been so duly sworn and admitted for such six calendar months shall be void and of no effect; provided always, that nothing herein contained shall extend or be construed to extend to any person entitled by birth, marriage, or servitude to his freedom.

Proviso as to freemen admitted as of right.

s. 13. And be it further enacted, that if any mayor or sheriff, town clerk or other officer of the corporation, or other person whatsoever, shall wilfully and fraudulently antedate or cause to be antedated any admission of any freeman, such mayor, sheriff, town clerk, officer, or other person, shall for every such offence forfeit and pay the sum of 200*l.* to him, her, or them, that shall inform and sue for the same, to be recovered in manner herein-after mentioned.

s. 15. And be it further enacted, that from and after the commencement of this act, the corporate oaths to be taken by the common-council-men and freemen of the city of *Limerick* on their respective admissions, shall be in the forms set forth in schedules (D.) and (E.) to this act annexed, and in no other, save and except such oath or oaths as is, are, or may be improved by virtue of any act or acts of parliament.

s. 16. And be it further enacted, that lists of the names and residences of all persons who shall be elected or admitted to the freedom of the said city, or to whom the freedom thereof shall be granted, shall be made out in writing and signed by the town clerk, and be posted on the doors of the parish churches of *Saint Mary*, *Saint John* and *Munchens*, in the said city, and on the doors of the exchange and the court house in the said city, within forty-eight hours after they shall be so elected or admitted, or the freedom shall have been so granted to them, under a penalty of 200*l.*, to be recovered from the said town clerk, by any person who shall sue for the same in manner herein-after mentioned.

s. 17. And whereas there is and has been, time out of mind, an ancient custom used within the said city, whereby the eldest son of a freeman, the son-in-law of a freeman, and the seven years apprentice of a freeman, have a right to be sworn into

the place of a freeman of the city of *Limerick*; and whereas judgments have been obtained in his Majesty's courts of law establishing these rights; and whereas by the last determination of the House of Commons on the right of election for the said city, it is decided that the eldest sons of freemen, and persons who have married the daughters of freemen, and persons who have served seven years apprenticeship to freemen are entitled to the freedom of the said city; now, in order to provide against any delay in the admission of persons so claiming the freedom of the said city, be it enacted, that at each and every quarterly meeting of the courts of common council and D'Oyer Hundred, under and by virtue of this act to be holden, the petitions of the several persons claiming the freedom of the said city shall be in the first place taken into consideration, and where the prayer of the said petitions, or any of them is refused, a statement in writing of the reasons whereon such refusal was grounded, particularly setting forth the objections to each part of the proofs adduced in support of every such petition, shall be furnished by the mayor on behalf of the said court of common council, or by the common speaker on behalf of the said court of D'Oyer Hundred to the person whose petition shall have been refused.

[s. 29. Penalty for perjury, false affirmation, &c.]

SCHEDULE C.

Oath of a Freeman before exercising Franchise.

"I *A. B.* do swear that I have been admitted and sworn a freeman of the corporation of the city of *Limerick*, having been actually and without fraud residing at
in the county of the said city, at the time of my admission to my freedom of the said city, and that I am of the age of twenty-one years.

So help me God.

SCHEDULE E.

Oath of a Freeman.

I *A. B.* of in the city of *Limerick* (or in the Liberties thereof) do swear to be true and faithful to our Sovereign Lord the King, his heirs and successors, and to the utmost of my power to aid and assist the mayor, sheriffs, and citizens of the said city, and to them shall be obedient and attendant concerning such things as they shall lawfully and

reasonably require me to do. I will also well and truly observe, perform, fulfil and keep all such orders and rules as have been or shall be made and established by careful authority for the good government of the said city, and in all matters and things relating to my duty as freeman. I will not refuse or delay to any man his right, or sanction any expenditure of the tolls and customs of the corporation, save for the public uses of the said city, and I will not by color of my freedom, directly or indirectly, or by equivocation or mental reservation, cover or bear out any foreigner's or stranger's goods or merchandise, but I will according to the best of my skill, and knowledge, wit, cunning, and power, uphold and maintain all the liberties, franchises and customs, lawful orders and usages of this city and corporation.

So help me God."

APPENDIX III.

CASE OF THE BOROUGH OF ATHLONE.

COMMITTEE:

LORD VISCOUNT FORBES, *Chairman.*

John Thomas Fane	Edward M. Turner
Sir Thomas Byam Martin	Wm. Tattor Egerton
Sir John Walter Pollen	Lord Montague Wm. Graham
Geo. Granville Wandisfort Pigott	Bethell Waldron
Joseph Neald	John Bartard

SITTING MEMBER, RICHARD HANCOCK, JUN. ESQ.

PETITIONER, JAMES TALBOT, ESQ. complaining of an undue Election and return for the Borough of Athlone, in the County of Westmeath.

HARRISON and ADAM, Counsel for the Sitting Member.

MEREWETHER, SERJT., and ALEXANDER, for the Petitioner.

14th March, 1831.

Proof of Poll.

The Petitioner proceeded to prove the poll-book, and examined the returning officer, *Richard Telford,* who produced a book, which he stated to be the poll taken at the election, and which he said had not since been out of his possession, added to, erased, or altered. It appeared he did not take the poll himself, but had a deputy, named *Cooke,* and a poll clerk, named *Marshall,* in whose hand writing the poll was, it being merely signed by the returning officer. He sat near the poll clerk, but did not look over him as he wrote.

The poll-book was handed to him on the evening of the election, and after signature of it, he sealed it up, and brought it away to the house of a friend; put it under his own lock.

Adam objected that the poll-book was not sufficiently proved, contending that 1 Geo. IV. c. 11, s. 3, had not been complied with.

Merewether replied that he did not rely on the act of parliament, (evidence of a compliance with,) which was rendered unnecessary by producing the returning officer.

In answer to questions from the committee, the witness stated that he knew the persons of all those whose names were stated in the list, except three, who were strangers he had never seen before or since—that he could repeat the names of those three—that he could swear that every person there described had tendered his vote.

The committee decided, "that the poll-book in its present shape, is admissible in evidence."

Course of proceeding.

Harrison objected to the petitioner's counsel proceeding, submitting that the proper course would now be for him to show, that the abstract question of the right of election did not arise, as, at all events, the sitting member would have a majority of votes, out of 37 persons who voted for the sitting member on the corporate right, 27 were protected, by having held the situation for six years; and even supposing the counsel for the petitioner to prove, that *residence* was necessary to constitute a good vote, that there were 12 such corporators who voted for the sitting member, and but two for the petitioner, which would become a majority of ten for the sitting member.

Abstract right of voting.

Merewether was heard in answer to the objection, contending that he claimed to strike off a poll vote for the sitting member, and to put votes on the poll for the petitioner, which would give him a majority of legal voters. He demanded to put 17 *apprentices* on the poll, and also a greater number than 10 of the New Rules men.

Harrison denied that the *apprentices* had a right to vote, and as to the New Rules men, as they had not been sworn within six months before the election, submitted it was quite clear they could not be put on the poll; and, that if such were the facts, whatever the question of right might be, the petitioner, on this occasion, was not in a condition to go into it.

Merewether admitted, that if the committee saw clearly the question of the abstract right of voting did not arise, they would not go into it, but said that, taking the facts as stated on the other side, still, as to the majority of 12, or the greater part of them, there was an objection that their admissions were not duly stamped, and therefore, he claimed to be entitled to proceed in the proof of his case.

The committee decided, "that the counsel for the petitioner be called on to prove that apprenticeship gives the right of voting, and that the freedoms have not been duly stamped."

The books of the corporators were produced by the deputy

recorder and town clerk; there was an entry of admission of 51 persons altogether, on the books, in 1807, amongst whom were Benjamin Wynn and others, who had voted at the election. On this entry there were only 24 stamps. Stamp on admission.

Merewether said, it could not be contended that any of them applied to *Benjamin Wynn, &c.*

But it appeared that there was a £1. stamp upon a slip of paper, purporting to be the swearing in of *B. Wynn,* and what have afterwards been wafered into the book.

Merewether contended that this was not an admission properly stamped within the 56 G. III. c. 56. ss. 113—4. App. p. 235.

The committee stated that they conceived that the indemnity act did away with the objection of putting the stamps afterwards.

Merewether said, that was not his objection.

The deputy town clerk deposed that he had been eight years in the office, and that it was usual to put separate stamps into the book. The stamps in question had been put in before he was in the office.

Merewether was heard further, contending that the stamp was in the swearing, and not in the admission, which, therefore, was not properly stamped, within the 56 Geo. III. c. 56. ss. 113. 114.

The committee were unanimously of opinion that *B. Wynn's* vote, so far as the objection to want of a drawn stamp was concurred, was a good vote.

There were 14 admitted in 1807, whose names were under the same circumstances as *Wynn's.*

As to the vote of *George Carr,* it appeared upon inspection of the book, that the stamp at first put upon his admission, was not sufficient, but that it had been subsequently stamped in a sufficient sum to make it up £1.

Alexander submitted that the indemnity act did not apply, and that this admission was not properly stamped.

Adam was heard in answer to the objection; but stated, he could put an end to it by proving *G. Carr's* admission in 1797.

The admission was produced, but it was contended there was no evidence of identity. Evidence of identity.

The officer, who was about 27 years of age, deposed that he had known *George Carr* about 22 years; that he was between 60 and 70, and that he had never known any other *George Carr,* a freeman of *Athlone.*

The committee decided, "that *George Carr's* vote was a good vote, so far as respected the objection on the ground of the improper stamp.

A long examination was then come into, as to the apprentices, to show that there was a custom in *Athlone* for the elder sons to serve their fathers without indentures, and upon such service for 5 years, or 7 years in some trades, to be admitted to the trade; there were no "guilds," fraternities or companies in *Athlone,* but the several trades, as coach makers, nailors, Custom as to apprentices.

hatters, bakers, and brogue makers, &c. had some regular orders; and those who served accordingly, were considered regular men; and it was said the eldest son serving his father was entitled to his freedom; but it was admitted on cross examination, that there was no instance of an apprentice serving without indenture, being admitted to vote at an election; and that the freedom spoken of, meant freedom of the trade. The witness deposed as to *Edward Williams*, *Thomas Halligan*, *Dennis Kelly*, who had so served; and as to the latter, one witness stated that he knew *Kelly's* father was a freeman, but another said he was not; there was also some evidence that the fathers of *Williams* and *Halligan* had in 1828, and in June, 1830, tendered themselves, under the New Rules, to the vice-sovereigns of the town, and had afterwards gone before a magistrate of the adjoining *County of Westmeath*.

The committee decided, that the point as to the apprentices, had not been established.

Merewether stated he had an instance of an apprentice who had served under an indenture of apprenticeship, but that he had not got the indenture.

Indenture to be produced.

Harrison objected to it, without production of the indenture.

The committee ruled the objection was valid.

Merewether then proposed to prove a sufficient number of "New Rules" men to override the apparent majority for sitting member on the poll.

Harrison objected, contending that as none of them had been sworn more than within six months of the election, they could not be admissible on the poll.

Due Diligence.

Merewether offered to prove that in 1828, more than sufficient to control the majority of the sitting member tendered themselves to the sovereign and vice-sovereign,—at the same time admitting, that they did not, on their refusal to be sworn by the sovereign, go before a magistrate to be sworn.

Harrison admitted, for the sake of argument, that they had tendered themselves in 1828 to the sovereign, but as they had not six months before the election been sworn before a magistrate, contended that they would not be put upon the poll.

The Committee resolved, that the "New Rules" men are not in a condition to be put upon the poll.

Overpayment of Counsel.

Merewether stated he would proceed upon the point of its being a void election on the ground of there having been an excessive payment to the agents and council.

There was evidence, that two gentlemen of the bar, *Mr. Cummins* and *Mr. Daly*, were in attendance at the election, on the part of the sitting member; that after the nomination, and immediately before the poll began, a question arose as to swearing, as to the presence of the clerk of the peace instead of the town clerk, which was argued by both these gentlemen; that *Mr. Daly* did not afterwards argue or examine witnesses though he was observed to give suggestions to *Mr. Cummins*.

Mr. Daly was called by the petitioner and asked, " what remuneration had you for your services ?"

Harrison objected to *Mr. Daly's* saying any thing that passed between him and his client. Counsel not bound to answer.

Merewether was heard in answer to the objection.

The committee deliberated, and after some time decided, " the question should not be asked."

Merewether stated that he had *Mr. Cummins* ready to be examined, but presuming the decision of the committee would be the same with respect to him as to *Mr. Daly*, he should not present him.

The committee intimated such to be their opinion.

He then tendered evidence of admissions made by *Mr. Cummins* and *Mr. Daly* as to what sums they had received.

Adam was heard in objection to such course being pursued.

The Committee deliberated, and decided that they felt it their duty to hear the evidence proposed to be brought forward.

Evidence was then given of a conversation in which *Daly* said, that at first he was to have been appointed assessor by *Mr. Hancock*; that he was disappointed to see *Mr. Cummins* brought there and put over his head, and that he had received, on the morning of the election twenty-five pounds. Evidence was also given, that *Cummins* said he was very well paid for his services on the election, but he did not state the sum. The returning officer did not appoint any assessor, but heard the points argued himself. On the morning of the election, the question was put to *Cummins* when he came forward—was he concerned as assessor? He said he was not, he was counsel for *Mr. Hancock*. *Daly* also said that he was counsel for *Mr. Hancock*, and that he was paid. He did not say who paid him the money. There was some evidence that, on one occasion when a question arose, *Daly* commenced to speak to it, but *Cummins*, with some warmth, put him aside.

Alexander was heard to sum up the evidence, contending that by the Act 1, 2 G. IV. c. 58. s. 6. *Mr. Hancock* was incapacitated by reason of having employed more counsel than he was authorised to do. App. p. 267.

Adam was heard in answer, and having quoted the *Dublin* case,

Alexander was heard upon the *Dublin* case.

The committee deliberated, and after some time resolved, " that the counsel for the petitioner had not substantiated the last allegation in the petition, tending to incapacitate the sitting member."

The committee then determined " that *Richard Hancock, jun. Esq.* is duly elected a burgess, to serve in this parliament, for the borough of *Athlone*.

" That the petition was not frivolous,"—and " that the opposition to the petition was not frivolous."

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